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Editorial Note: The printed version of the **Federal Register** Table of Contents for February 10, 2021, included two entries, ''Designation as a Foreign Terrorist Organization; Revocation: Ansarallah (and Other Aliases),'' and ''Designation as a Global Terrorist; Revocation: Ansarallah, Abdul Malik al-Houthi, Abd al-Khaliq Badr al-Din al-Houthi, and Abdullah Yahya al Hakim (and their Respective Aliases),'' under the State Department. These documents did not publish in the February 10, 2021, issue of the **Federal Register.**

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

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FEDERAL RESERVE SYSTEM

12 CFR Part 215

[Regulation O; Docket No. R–1740]

RIN 7100–AG 10

Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Interim final rule with request for comment.

SUMMARY: On April 17 and July 15, 2020, the Board issued two interim final rules to except certain loans made through June 30 and August 8, 2020, respectively, that are guaranteed under the Small Business Administration's Paycheck Protection Program from the requirements of section 22(h) of the Federal Reserve Act and the Board's Regulation O. The Board is issuing this interim final rule to further extend this relief to PPP loans, including PPP second draw loans, made through March 31, 2021.

DATES: This interim final rule is effective February 17, 2021. Comments on the interim final rule must be received no later than April 5, 2021.

ADDRESSES: You may submit comments, identified by Docket No. R–1740 and RIN 7100 AG 10, by any of the following methods:

- *Agency Website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Email: regs.comments@federalreserve.gov.* Include docket and RIN numbers in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments will be made available on the Board's website at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments also may be viewed electronically or in paper form in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: Benjamin McDonough, Associate General Counsel, (202) 452–2036, Alison Thro, Deputy Associate General Counsel, (202) 452–3236, Dan Hickman, Senior Counsel, (202) 973–7432, Josh Strazanac, Senior Attorney, (202) 452–2457, Jasmin Keskinen, Attorney, (202) 475–6650, Legal Division; or Anna Lee Hewko, Associate Director, (202) 530–6360, Juan Climent, Assistant Director, (202) 872–7526, (202) 452–5239, Kathryn Ballintine, Manager, (202) 452–2555, Rebecca Zak, Lead Financial Institution Policy Analyst, (202) 912–7995, Eusebius Luk, Senior Financial Policy Analyst I, (202) 452–2874, Division of Supervision and Regulation; Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551. Users of Telecommunication Device for Deaf (TDD) only, call (202) 263–4869.

SUPPLEMENTARY INFORMATION:

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I. Background

On March 27, 2020, the President signed into law the Coronavirus Aid, Relief, and Economic Security (CARES) Act which, among other things, created the Paycheck Protection Program (PPP) to facilitate lending to small businesses affected by the outbreak of COVID–19 and imposition of associated containment measures (COVID event). Although the CARES Act specified that the PPP would end on June 30, 2020, it was later extended to August 8, 2020.[1] On December 27, 2020, the President signed into law the Consolidated Appropriations Act, 2021 (Appropriations Act), which further extended the PPP to March 31, 2021.[2] The Appropriations Act also created ''PPP second draw loans,'' which are substantially similar to the PPP loans that have been made to date.[3]

Regulation O sets forth quantitative and qualitative requirements for loans made by a bank[4] to its directors, executive officers, and principal shareholders, as well as to any companies owned by such persons (collectively, insiders).[5] Regulation O also sets forth procedural and recordkeeping requirements for loans by banks to their insiders. These requirements normally would apply to PPP loans made by banks to the small businesses owned by their insiders. In some cases, the restrictions in Regulation O could delay or entirely prohibit a bank from making a PPP loan to such a business. This could be particularly challenging in small communities where bank insiders often own small businesses and there are few alternative lenders.

On April 17, 2020, the Board issued an exception to section 22(h) of the Federal Reserve Act[6] and the corresponding provisions of Regulation O for PPP loans made to insiders that would not be prohibited from receiving a PPP loan under the Small Business Administration (SBA) lending

[1] Prioritized Paycheck Protection Program Act, S. 4116, 116th Cong. section 1 (2020).

[2] Consolidated Appropriations Act, 2021, H.R. 133, 116th Cong. section 323 (2020).

[3] Consolidated Appropriations Act, 2021, H.R. 133, 116th Cong. section 311.

[4] Sections 22(g) and 22(h), and Regulation O, apply to all banks that are members of the Federal Reserve System. Other federal law subjects federally insured state non-member banks and insured savings associations to sections 22(g) and 22(h) in the same manner and to the same extent as if they were member banks. 12 U.S.C. 1828(j) (non-member banks); 12 U.S.C. 1468(b) (savings associations); 12 CFR 337.3 (state non-member banks and state savings associations); 12 CFR 31.2 (national banks and federal savings associations). Accordingly, any reference to ''bank'' in this notice applies to all member banks and institutions subject to sections 22(g) and 22(h) in the same manner and to the same extent as member banks.

[5] *See generally* 12 CFR part 215.

[6] 12 U.S.C. 375b.

restrictions (original IFR).[7] The exception was intended to facilitate lending by banks to a broad range of small businesses within their communities, consistent with applicable law and safe and sound banking practices. The exception applied only to PPP loans made by June 30, 2020, the original date on which the PPP was set to expire. The Board extended the exception after Congress extended the PPP.[8]

The Board received a dozen comments in response to the IFRs it issued in April and July from one trade association, several small businesses, and several individuals. Most of the comments expressed support for the Board's relief, indicating that it would bolster the effectiveness of the PPP in providing support to small businesses. Several raised issues related to the terms and administration of the PPP. One commenter asserted that no bank executives should receive loans from their banks in excess of $15,000 because executives could take advantage of their banks to the detriment of depositors.

In response to comments about the terms and administration of the PPP, the Board notes that the SBA is the agency responsible for setting forth the requirements and administering the program. Any comments concerning those matters are properly addressed to the SBA. Regarding one commenter's suggestion that no executive should be able to borrow more than $15,000 from its banks because executives could exert undue influence and cause harm to a bank, the Board notes that PPP loans have standardized terms and are fully guaranteed as to principal and interest by the U.S. government. Accordingly, a bank may not amend the terms of a PPP loan to be unduly favorable to an executive and the bank is unlikely to suffer a loss because of the loan guarantee. The Board also notes that the relief only extends to insiders who would not be prohibited from receiving a PPP loan by the SBA's lending restrictions, which currently prohibit an ''officer'' from receiving a PPP loan from his or her bank.[9]

The Board is issuing this interim final rule to extend the exception to PPP loans made through March 31, 2021, and to PPP second draw loans.

II. The Interim Final Rule

Section 22(h) authorizes the Board to adopt, by regulation, exceptions to the definition of ''extension of credit'' in section 22(h) for transactions that ''pose minimal risk.'' [10] Therefore, the Board may except PPP loans and PPP second draw loans from the restrictions in section 22(h) and the corresponding provisions of Regulation O upon a determination that such loans pose minimal risk.

The Board determined in the original IFR that PPP loans pose minimal risk.[11] Among other things, this determination relieved member banks from ensuring that PPP loans made to certain insiders complied with the qualitative, quantitative, and procedural requirements set forth in section 22(h) and Regulation O. The Appropriations Act did not change any of the features of PPP loans on which the Board relied in the original IFR to determine that PPP loans pose minimal risk. Moreover, under the Appropriations Act, PPP second draw loans have the same features as PPP loans, except that fewer borrowers are eligible for PPP second draw loans as for PPP loans.[12] Accordingly, for the same reasons cited in the original IFR, the Board has determined that PPP loans and PPP second draw loans appear to pose minimal risk to bank safety and soundness.[13]

SBA lending restrictions continue to apply to certain PPP loans and PPP second draw loans that also would be subject to section 22(h) and the corresponding provisions of Regulation O.[14] Excepting loans that would be prohibited by the SBA lending restrictions from the requirements of section 22(h) and the corresponding provisions in Regulation O would not achieve any meaningful regulatory purpose. Excepting these loans from one regime and not the other also may create confusion because some lenders may mistakenly interpret an exception under one regime to extend to both regimes. Accordingly, the exception continues to apply only for insiders that would not be prohibited from receiving a PPP loan or PPP second draw loan by the SBA lending restrictions.

This interim final rule does not except a PPP loan or PPP second draw loan from other restrictions that may apply to the loan, including section 22(g) of the Federal Reserve Act or section 215.5 of Regulation O.[15] This determination also does not affect application of SBA lending restrictions to a PPP loan or PPP second draw loan. The SBA has stated that ''[f]avoritism by [a PPP] [l]ender in processing time or prioritization of [a] director's or equity holder's PPP application is prohibited.'' [16] The Board will administer the interim final rule accordingly.

Question 1: Are there any additional terms or conditions that should apply to the exception? Why?

Question 2: Based on the experience with the PPP program, what, if any, terms or conditions for PPP second draw loans would make it unreasonable for such loans to be exempted from the requirements of section 22(h)?

III. Administrative Law Matters

A. Administrative Procedure Act

The Board is issuing the interim final rule without prior notice and the opportunity for public comment and the delayed effective date ordinarily prescribed by the Administrative Procedure Act (APA).[17] Pursuant to section 553(b)(B) of the APA, general notice and the opportunity for public comment are not required with respect to a rulemaking when an ''agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' [18]

The Board believes that the public interest is best served by implementing the interim final rule immediately in light of the short timeframe for execution of the renewed PPP mandated by the Appropriations Act. Accordingly, the Board finds that there is good cause consistent with the public interest to issue the rule without advance notice and comment.[19]

The APA also requires a 30-day delayed effective date, except for (1) substantive rules which grant or recognize an exemption or relieve a restriction; (2) interpretative rules and statements of policy; or (3) as otherwise provided by the agency for good

[7] ''Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks,'' 85 FR 22345 (Apr. 22, 2020)).

[8] ''Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks,'' 85 FR 43119 (July 16, 2020)).

[9] 13 CFR 120.110 (prohibiting an ''Associate'' of a lender from receiving a loan made by the lender pursuant to section 7(a) of the Small Business Act); 13 CFR 120.10 (defining ''Associate of a Lender'' to include ''an officer'').

[10] 12 U.S.C. 375b(9)(D)(ii).

[11] 85 FR 22346.

[12] For example, only borrowers who already have received a PPP loan may obtain a PPP second draw loan. PPP Second draw loans also are only available to employers with 300 or fewer employees. Consolidated Appropriations Act, 2021, H.R. 133, 116th Cong. section 311.

[13] 85 FR 22345, 22346 (Apr. 22, 2020); 85 FR 43119, 43119–20 (July 16, 2020).

[14] Business Loan Program Temporary Changes; Paycheck Protection Program as Amended by the Economic Aid Act, 86 FR 3712 (Jan. 6, 2021).

[15] 12 U.S.C. 375a; 12 CFR 215.5.

[16] *Id.* at 14–15.

[17] 5 U.S.C. 553.

[18] 5 U.S.C. 553(b)(B).

[19] 5 U.S.C. 553(b)(B); 553(d)(3).

cause.[20] Because the rules relieve a restriction by providing an exception to the definition of ''extension of credit'' in section 22(h) and Regulation O, the interim final rule is exempt from the APA's delayed effective date requirement.[21]

While the Board believes that there is good cause to issue the rule without advance notice and comment and with an immediate effective date, the Board is interested in the views of the public and requests comment on all aspects of the interim final rule.

B. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501–3521) (PRA) states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid OMB control number. On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board, as well as the authority to temporarily approve a new collection of information without providing opportunity for public comment if the Board determines that a change in an existing collection must be instituted quickly and that public participation in the approval process would defeat the purpose of the collection or substantially interfere with the Board's ability to perform its statutory obligation.

This interim final rule does not contain any collections of information subject to the PRA.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) [22] requires an agency to consider whether the rules it proposes will have a significant economic impact on a substantial number of small entities.[23] The RFA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). As discussed previously, consistent with section 553(b)(B) of the APA, the Board has determined for good cause that general notice and opportunity for public comment are unnecessary, and therefore the Board is not issuing a notice of proposed rulemaking. Accordingly, the Board has concluded that the RFA's requirements relating to initial and final regulatory flexibility analysis do not apply.

Nevertheless, the Board seeks comment on whether, and the extent to which, the interim final rule would affect a significant number of small entities.

D. Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act (RCDRIA),[24] in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions (IDIs), the federal banking agencies must consider, consistent with the principle of safety and soundness and the public interest, any administrative burdens that such regulations would place on depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition, section 302(b) of RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on IDIs generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form, with certain exceptions, including for good cause.[25] The Board believes that the public interest is best served by implementing the interim final rule immediately. As discussed in the original IFR, the COVID event has disrupted economic activity in the United States and other countries. The magnitude and persistence of the COVID event on the economy remain uncertain. In light of the substantial disruptions in the economy, and the likelihood that this interim final rule would help ameliorate those disruptions by promoting lending to small businesses, the Board finds good cause exists under section 302 of RCDRIA to publish this interim final rule with an immediate effective date.

As such, the interim final rule will be effective immediately on publication. Nevertheless, the Board seeks comment on RCDRIA.

E. Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act [26] requires the federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The Board has sought to present the interim final rule in a simple and straightforward manner. The Board invites comments on whether there are additional steps it could take to make the rule easier to understand. For example:

- *Have we organized the material to suit your needs? If not, how could this material be better organized?*
- *Are the requirements in the regulation clearly stated? If not, how could the regulation be more clearly stated?*
- *Does the regulation contain language or jargon that is not clear? If so, which language requires clarification?*
- *Would a different format (grouping and order of sections, use of headings, paragraphing) make the regulation easier to understand? If so, what changes to the format would make the regulation easier to understand?*
- *What else could we do to make the regulation easier to understand?*

List of Subjects in 12 CFR Part 215

Credit, Penalties, Reporting and Recordkeeping requirements.

Authority and Issuance

For the reasons stated in the preamble, the Board of Governors of the Federal Reserve System amends 12 CFR chapter II as follows:

PART 215—LOANS TO EXECUTIVE OFFICERS, DIRECTORS, AND PRINCIPAL SHAREHOLDERS OF MEMBER BANKS (REGULATION O)

■ 1. The authority citation for part 215 is revised to read as follows:

Authority: 12 U.S.C. 248(a), 375a(10), 375b(9) and (10), 1468, 1817(k), 5412; and Pub. L. 102–242, 105 Stat. 2236 (1991) (12 U.S.C. 1811 note).

■ 2. In § 215.3, revise paragraphs (b)(8)(i) through (iii) to read as follows:

§ 215.3 Extension of credit.

* * * * *

(b) * * *

(8) * * *

(i) Made pursuant to the ''Paycheck Protection Program'' in which the participation by the Small Business Administration on a deferred basis is 100 percent pursuant to section 1102 of Public Law 116–136 or section 311 of Public Law 116–260;

(ii) That is made during the period beginning on February 15, 2020, and ending on March 31, 2021; and

(iii) That would not be prohibited by 13 CFR 120.110(o) or rules or

[20] 5 U.S.C. 553(d).

[21] 5 U.S.C. 553(d)(1).

[22] 5 U.S.C. 601 *et seq.*

[23] Under regulations issued by the SBA, a small entity includes a depository institution, bank holding company, or savings and loan holding company with total assets of $600 million or less and trust companies with total assets of $41.5 million or less. *See* 13 CFR 121.201.

[24] 12 U.S.C. 4802(a).

[25] 12 U.S.C. 4802.

[26] 12 U.S.C. 4809.

interpretations thereof issued by the Small Business Administration.

* * * * *

By order of the Board of Governors of the Federal Reserve System, February 9, 2021.

Ann Misback,

Secretary of the Board.

[FR Doc. 2021–02966 Filed 2–16–21; 8:45 am]

BILLING CODE 6210–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1026

[Docket No. CFPB–2020–0023]

RIN 3170–AA83

Higher-Priced Mortgage Loan Escrow Exemption (Regulation Z)

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule; official interpretation.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is issuing this final rule to amend Regulation Z, which implements the Truth in Lending Act, as mandated by section 108 of the Economic Growth, Regulatory Relief, and Consumer Protection Act. The amendments exempt certain insured depository institutions and insured credit unions from the requirement to establish escrow accounts for certain higher-priced mortgage loans.

DATES: This rule is effective on February 17, 2021.

FOR FURTHER INFORMATION CONTACT: Joseph Devlin, Senior Counsel, Office of Regulations, at 202–435–7700 or *https://reginquiries.consumerfinance.gov/.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of the Final Rule

Regulation Z, 12 CFR part 1026, implements the Truth in Lending Act (TILA), 15 U.S.C. 1601 *et seq.,* and includes a requirement that creditors establish an escrow account for certain higher-priced mortgage loans (HPMLs),[1] and also provides for certain exemptions from this requirement.[2] In the 2018 Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA),[3] Congress directed the Bureau to issue regulations to add a new exemption from TILA's escrow requirement that exempts transactions by certain insured depository institutions and insured credit unions. This final rule implements the EGRRCPA section 108 statutory directive, removes certain obsolete text from the Official Interpretations to Regulation Z (commentary),[4] and also corrects prior inadvertent deletions from and two scrivener's errors in existing commentary.[5]

New § 1026.35(b)(2)(vi) exempts from the Regulation Z HPML escrow requirement any loan made by an insured depository institution or insured credit union and secured by a first lien on the principal dwelling of a consumer if: (1) The institution has assets of $10 billion or less; (2) the institution and its affiliates originated 1,000 or fewer loans secured by a first lien on a principal dwelling during the preceding calendar year; and (3) certain of the existing HPML escrow exemption criteria are met, as described below in part V.[6]

II. Background

A. Federal Reserve Board Escrow Rule and the Dodd-Frank Act

Prior to the enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act),[7] the Board of Governors of the Federal Reserve System (Board) issued a rule[8] requiring, among other things, the establishment of escrow accounts for payment of property taxes and insurance for certain ''higher-priced mortgage loans,'' a category which the Board defined to capture what it deemed to be subprime loans.[9] The Board explained that this rule was intended to reduce consumer and systemic risks by requiring the subprime market to structure loans and disclose their pricing similarly to the prime market.[10]

In 2010, Congress enacted the Dodd-Frank Act, which amended TILA and transferred TILA rulemaking authority and other functions from the Board to the Bureau.[11] The Dodd-Frank Act added TILA section 129D(a), which adopted the Board's rule requiring that creditors establish an escrow account for higher-priced mortgage loans.[12] The Dodd-Frank Act also excluded certain loans, such as reverse mortgages, from this escrow requirement. The Dodd-Frank Act further granted the Bureau authority to structure an exemption based on asset size and mortgage lending activity for creditors operating predominantly in rural or underserved areas.[13] In 2013, the Bureau exercised this authority to exempt from the escrow requirement creditors with under $2 billion in assets and meeting other criteria.[14] In the Helping Expand Lending Practices in Rural Communities Act of 2015, Congress amended TILA section 129D again by striking the term

[1] 12 CFR 1026.35(a) and (b). An HPML is defined in 12 CFR 1026.35(a)(1) and generally means a closed-end consumer credit transaction secured by the consumer's principal dwelling with an annual percentage rate (APR) that exceeds the average prime offer rate (APOR) for a comparable transaction as of the date the interest rate is set by: 1.5 percentage points or more for a first-lien transaction at or below the Freddie Mac conforming loan limit; 2.5 percentage points or more for a first-lien transaction above the Freddie Mac conforming loan limit; or 3.5 percentage points or more for a subordinate-lien transaction. The escrow requirement only applies to first-lien HPMLs.

[2] 12 CFR 1026.35(b)(2)(i) and (iii).

[3] Public Law 115–174, 132 Stat. 1296 (2018).

[4] As discussed in more detail in the section-by-section analysis of § 1026.35(b)(2)(iv), this obsolete text includes, among other text, language related to a recently issued interpretive rule. On June 23, 2020, the Bureau issued an interpretive rule that describes the Home Mortgage Disclosure Act of 1975 (HMDA), Public Law 94–200, 89 Stat. 1125 (1975), data to be used in determining that an area is ''underserved.'' 85 FR 38299 (June 26, 2020). As the Bureau explained in the interpretive rule, certain parts of the methodology described in comment 35(b)(2)(iv)–1.ii became obsolete because they referred to HMDA data points replaced or otherwise modified by a 2015 Bureau final rule (2015 HMDA Final Rule). 80 FR 66128, 66256–58 (Oct. 28, 2015). The Bureau stated that it was issuing the interpretive rule to supersede the outdated portions of the commentary and to identify current HMDA data points it will use to determine whether a county is underserved. 85 FR at 38299. In this final rule the Bureau amends the comment to remove the obsolete text.

[5] As discussed in more detail in the section-by-section analysis of § 1026.35(b)(2)(iii), the scrivener's errors that this rule corrects were in the commentary from Truth in Lending Act (Regulation Z) Adjustment to Asset-Size Exemption Threshold, 85 FR 83411 (Dec. 22, 2020).

[6] When amending commentary, the Office of the Federal Register requires reprinting of certain subsections being amended in their entirety rather than providing more targeted amendatory instructions and related text. The sections of commentary text included in this document show the language of those sections with the changes as adopted in this final rule. In addition, the Bureau is releasing an unofficial, informal redline to assist industry and other stakeholders in reviewing the changes this final rule makes to the regulatory and commentary text of Regulation Z. This redline is posted on the Bureau's website with the final rule. If any conflicts exist between the redline and the text of Regulation Z or this final rule, the documents published in the **Federal Register** and the *Code of Federal Regulations* are the controlling documents.

[7] Public Law 111–203, 124 Stat. 1376 (2010).

[8] 73 FR 44522 (July 30, 2008).

[9] *Id.* at 44532.

[10] *Id.* at 44557–61. Prime market loans generally include an escrow account, which may make the monthly payment appear higher than for a higher-priced loan that does not include an escrow account.

[11] Dodd-Frank Act sections 1022, 1061, 1100A and 1100B, 124 Stat. 1980, 2035–39, 2107–10.

[12] Dodd-Frank Act section 1461(a); 15 U.S.C. 1639d.

[13] *Id.*

[14] 78 FR 4726 (Jan. 22, 2013). This rule was subsequently amended several times, including in 2013 and 2015. *See* 78 FR 30739 (May 23, 2013) and 80 FR 59944 (Oct. 2, 2015).

''predominantly'' for creditors operating in rural or underserved areas.[15]

B. Economic Growth, Regulatory Relief, and Consumer Protection Act

Congress enacted the EGRRCPA in 2018. In section 108 of the EGRRCPA,[16] Congress directed the Bureau to conduct a rulemaking to create a new exemption, this one to exempt from TILA's escrow requirement loans made by certain creditors with assets of $10 billion or less and meeting other criteria. Specifically, section 108 of the EGRRCPA amended TILA section 129D(c) to require the Bureau to exempt certain loans made by certain insured depository institutions and insured credit unions from the TILA section 129D(a) HPML escrow requirement.

TILA section 129D(c)(2), as amended by the EGRRCPA, requires the Bureau to issue regulations to exempt from the HPML escrow requirement any loan made by an insured depository institution or insured credit union secured by a first lien on the principal dwelling of a consumer if: (1) The institution has assets of $10 billion or less; (2) the institution and its affiliates originated 1,000 or fewer loans secured by a first lien on a principal dwelling during the preceding calendar year; and (3) certain of the existing Regulation Z HPML escrow exemption criteria, or those of any successor regulation, are met. The Regulation Z exemption criteria that the statute includes in the new exemption are: (1) The requirement that the creditor extend credit in a rural or underserved area (§ 1026.35(b)(2)(iii)(A)); (2) the exclusion from exemption eligibility of transactions involving forward purchase commitments (§ 1026.35(b)(2)(v)); and (3) the prerequisite that the institution and its affiliates not maintain an escrow account other than either (a) those established for HPMLs at a time when the creditor may have been required by the HPML escrow rule to do so, or (b) those established after consummation as an accommodation to distressed consumers (§ 1026.35(b)(2)(iii)(D)).

III. Summary of the Rulemaking Process

The Bureau released a proposed rule to implement EGRRCPA section 108 on July 2, 2020, and the proposal was published in the **Federal Register** on July 22, 2020.[17] The comment period closed on September 21, 2020. Twelve commenters explicitly supported the proposed rule and four were generally opposed to it. Almost all of the commenters who supported the rule suggested one or more changes, discussed below in the section-by-section analysis. The commenters were individuals and individual banks and credit unions, as well as State, regional and national trade associations representing banks and credit unions. There were also two anonymous comments. No community or consumer organizations commented on the proposed rule. As discussed in more detail below, the Bureau has considered these comments in finalizing this final rule as proposed, except that the final rule provides a transition period of 120 days, rather than the 90 days set forth in the proposed rule.[18]

IV. Legal Authority

The Bureau is issuing this final rule pursuant to its authority under the Dodd-Frank Act and TILA.

A. Dodd-Frank Act Section 1022(b)

Section 1022(b)(1) of the Dodd-Frank Act authorizes the Bureau to prescribe rules ''as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of the Federal consumer financial laws, and to prevent evasions thereof.'' [19] Among other statutes, TILA and title X of the Dodd-Frank Act are Federal consumer financial laws.[20] Accordingly, in adopting this rule, the Bureau is exercising its authority under Dodd-Frank Act section 1022(b) to prescribe rules that carry out the purposes and objectives of TILA and title X of the Dodd-Frank Act and prevent evasion of those laws.

B. TILA

As amended by the Dodd-Frank Act, TILA section 105(a) directs the Bureau to prescribe regulations to carry out the purposes of TILA, and provides that such regulations may contain additional requirements, classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for all or any class of transactions, that the Bureau judges are necessary or proper to effectuate the purposes of TILA, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.[21] A purpose of TILA is ''to assure a meaningful disclosure of credit terms so that the consumer will be able to compare more readily the various credit terms available to him and avoid the uninformed use of credit.'' [22] This stated purpose is tied to Congress's finding that ''economic stabilization would be enhanced and the competition among the various financial institutions and other firms engaged in the extension of consumer credit would be strengthened by the informed use of credit.'' [23] Thus, strengthened competition among financial institutions is a goal of TILA, achieved through the effectuation of TILA's purposes.

Historically, TILA section 105(a) has served as a broad source of authority for rules that promote the informed use of credit through required disclosures and substantive regulation of certain practices. Dodd-Frank Act section 1100A clarified the Bureau's section 105(a) authority by amending that section to provide express authority to prescribe regulations that contain ''additional requirements'' that the Bureau finds are necessary or proper to effectuate the purposes of TILA, to prevent circumvention or evasion thereof, or to facilitate compliance therewith. The Dodd-Frank Act amendment clarified that the Bureau has the authority to use TILA section 105(a) to prescribe requirements beyond those specifically listed in TILA that meet the standards outlined in section 105(a). As amended by the Dodd-Frank Act, TILA section 105(a) authority to make adjustments and exceptions to the requirements of TILA applies to all transactions subject to TILA, except with respect to the provisions of TILA section 129 that apply to the high-cost mortgages referred to in TILA section 103(bb).[24]

The Bureau's authority under TILA section 105(a) to make exceptions, adjustments, and additional provisions that the Bureau finds are necessary or proper to effectuate the purposes of

[15] Public Law 114–94, div. G, tit. LXXXIX, section 89003, 129 Stat. 1799, 1800 (2015). In 2016, the Bureau amended Regulation Z to implement this change. 81 FR 16074 (Mar. 25, 2016).

[16] EGRRCPA section 108, 132 Stat. 1304–05; 15 U.S.C. 1639d(c)(2).

[17] 85 FR 44228 (July 22, 2020).

[18] The transition period is discussed in the section-by-section analysis of § 1026.35(b)(2)(iii). In addition to the comments described in the paragraph above, three trade association commenters requested that the Bureau reduce the scope of the general HPML definition by changing the interest rate trigger for non-jumbo first liens to 2 percent over the APOR. Because the proposed rule did not propose to change the statutory general HPML definition and doing so would affect regulatory provisions that are not affected by EGRRCPA section 108 or the proposed rule, the Bureau considers these comments beyond the scope of this rulemaking.

[19] 12 U.S.C. 5512(b)(1).

[20] Dodd-Frank Act section 1002(14), 12 U.S.C. 5481(14) (defining ''Federal consumer financial law'' to include the ''enumerated consumer laws'' and the provisions of title X of the Dodd-Frank Act); Dodd-Frank Act section 1002(12), 12 U.S.C. 5481(12) (defining ''enumerated consumer laws'' to include TILA).

[21] 15 U.S.C. 1604(a).

[22] 15 U.S.C. 1601(a).

[23] *Id.*

[24] 15 U.S.C. 1602(bb).

TILA applies with respect to the purpose of TILA section 129D. That purpose is to ensure that consumers understand and appreciate the full cost of home ownership. The purpose of TILA section 129D is also informed by the findings articulated in TILA section 129B(a) that economic stabilization would be enhanced by the protection, limitation, and regulation of the terms of residential mortgage credit and the practices related to such credit, while ensuring that responsible and affordable mortgage credit remains available to consumers.[25]

For the reasons discussed in this document, the Bureau is amending Regulation Z to implement EGRRCPA section 108 to carry out the purposes of TILA and is adopting such additional requirements, adjustments, and exceptions as, in the Bureau's judgment, are necessary and proper to carry out the purposes of TILA, prevent circumvention or evasion thereof, or to facilitate compliance. In developing these aspects of the rule pursuant to its authority under TILA section 105(a), the Bureau has considered: (1) The purposes of TILA, including the purpose of TILA section 129D; (2) the findings of TILA, including strengthening competition among financial institutions and promoting economic stabilization; and (3) the specific findings of TILA section 129B(a)(1) that economic stabilization would be enhanced by the protection, limitation, and regulation of the terms of residential mortgage credit and the practices related to such credit, while ensuring that responsible, affordable mortgage credit remains available to consumers.

In addition, in previous rulemakings, the Bureau adopted two of the regulatory provisions this rule now amends. In adopting those provisions, the Bureau relied on one or more of the authorities discussed above, as well as other authority.[26] The Bureau is amending these provisions in reliance on the same authority, as discussed in detail in the Legal Authority or section-by-section analysis parts of the Bureau's final rules titled ''Escrow Requirements Under the Truth in Lending Act'' and ''Amendments Relating to Small Creditors and Rural or Underserved Areas Under the Truth in Lending Act (Regulation Z).'' [27]

V. Section-by-Section Analysis

Section 1026.35—Requirements for Higher-Priced Mortgage Loans

35(a) Definitions

35(a)(3) and (4)

The escrow requirement exemption in EGRRCPA section 108 is available to ''insured credit unions'' and ''insured depository institutions.'' Section 108 amends TILA to provide definitions for these two terms, at TILA section 129D(i)(3) and (4). ''Insured credit union'' has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752), and ''insured depository institution'' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

The Bureau proposed to include these definitions with the existing definitions regarding HPMLs, in § 1026.35(a). No commenters discussed these definitions or objected to the EGRRCPA's limitation of eligibility for the new exemption to insured credit unions and insured depository institutions. The Bureau now adopts these definitions as proposed.

35(b) Escrow Accounts

35(b)(2) Exemptions

35(b)(2)(iii)

EGRRCPA section 108 amends TILA section 129D to provide that one of the requirements for the new escrow exemption is that an exempted transaction satisfy the criterion previously established by the Bureau and codified at Regulation Z § 1026.35(b)(2)(iii)(D). Section 1026.35(b)(2)(iii)(D) establishes as a prerequisite to the exemption that a creditor or its affiliate is not already maintaining an escrow account for any extension of consumer credit secured by real property or a dwelling that the creditor or its affiliate currently services.[28] The purpose of this prerequisite is to limit the exemption to institutions that do not already provide escrow accounts and thus would have to incur the initial cost of setting up a system to provide such accounts. Instead, only institutions that are otherwise eligible for the exemption but already provide escrow accounts would bear the burden of providing such accounts, with the overall burden for them being lower because they are continuing to provide them rather than incurring the cost of starting them up. This prerequisite, however, is subject to two exceptions.

First, under § 1026.35(b)(2)(iii)(D)(*2*), a creditor would not lose the exemption for providing escrow accounts as an accommodation to distressed consumers to assist such consumers in avoiding default or foreclosure. The Bureau did not propose to and is not amending this exception.

Second, under § 1026.35(b)(2)(iii)(D)(*1*), the Bureau in its original escrow exemption rule [29] granted an exception from the non-escrowing requirement to creditors who established escrow accounts for first-lien HPMLs on or after April 1, 2010 (the effective date of the Board's original HPML escrow rule), and before June 1, 2013 (the effective date of the Bureau's first HPML escrow rule that included the Dodd-Frank exemption for certain creditors (the original escrow exemption)). The purpose of this exception was to avoid penalizing creditors that had not previously provided escrow accounts but established them specifically to comply with the regulation requiring escrows.[30] Over time, as the Bureau amended the HPML escrow exemption criteria and made more creditors eligible, the Bureau also extended the end date for the exception to the non-escrowing requirement in § 1026.35(b)(2)(iii)(D), so that creditors that had established escrow accounts in order to comply with the Bureau's regulations could still benefit from the relief provided by the Bureau's amendments to the exemption criteria.[31] The Bureau most recently extended the date to May 1, 2016, consistent with the effective date of the Bureau's latest amendment to the HPML exemption criteria.[32]

The proposed rule proposed to amend this exception again, explaining that the dates in then-current § 1026.35(b)(2)(iii)(D)(*1*) between which creditors were allowed to maintain escrow accounts for first-lien HPMLs without losing eligibility for the exemption (April 1, 2010, until May 1, 2016) were necessary to allow creditors to benefit fully from the existing escrow exemption. However, those same dates

[25] *See* 15 U.S.C. 1639b(a).

[26] Specifically, TILA section 129D(c) authorizes the Bureau to exempt, by regulation, a creditor from the requirement (in section 129D(a)) that escrow accounts be established for higher-priced mortgage loans if the creditor operates in rural or underserved areas, retains its mortgage loans in portfolio, does not exceed (together with all affiliates) a total annual mortgage loan origination limit set by the Bureau, and meets any asset-size threshold, and any other criteria the Bureau may establish. 15 U.S.C. 1639(c)(1).

[27] *See* 78 FR 4726 and 80 FR 59944, 59945–46.

[28] 78 FR 4726, 4738–39.

[29] The terms ''original'' and ''existing'' escrow exemption refer throughout this document to the regulatory exemption at § 1026.35(b)(2)(iii), either as implemented by the January 2013 final rule or as subsequently amended through 2016. They do not refer to the exemptions or exclusions listed at § 1026.35(b)(2)(i).

[30] 78 FR at 4738–39.

[31] *See, e.g.,* 80 FR 59944, 59968 (adjusting end date to January 1, 2016).

[32] *See* Operations in Rural Areas Under the Truth in Lending Act (Regulation Z); Interim Final Rule, 81 FR 16074 (Mar. 25, 2016).

would have caused most insured depositories and insured credit unions who would otherwise qualify under the EGRRCPA's new exemption criteria to be ineligible for the exemption. The reason they would have been ineligible is that those depositories and credit unions presumably had established escrows for HPMLs after May 1, 2016, in compliance with the then-current escrow rule's requirements.

In the proposed rule, to assist otherwise exempt institutions to avoid inadvertently making themselves ineligible by establishing escrow accounts before they had heard about the rule and adjusted their compliance, the Bureau proposed to replace the May 1, 2016, end date for the exception to the prerequisite against maintaining escrows with a new end date that was approximately 90 days after the effective date (proposed as the date of publication in the **Federal Register**) of the eventual section 108 escrow exemption final rule. In addition, the Bureau proposed to amend comment 35(b)(2)(iii)–1.iv to conform to this change.

The Bureau also proposed to amend comment 35(b)(2)(iii)(D)(*1*)–1 to address the date change. Comments 35(b)(2)(iii)(D)(*1*)–1 and (*2*)–1 were inadvertently deleted from the *Code of Federal Regulations* in 2019 during an annual inflation adjustment rulemaking, and no change in interpretation of the associated regulatory provisions was intended.[33] The Bureau proposed to correct this deletion by reinserting the two comments back into Supplement I, with comment 35(b)(2)(iii)(D)(*1*)–1 amended from its former language to reflect the date change described above and with no changes being made to comment 35(b)(2)(iii)(D)(*2*)–1. In addition, a sentence describing the definition of ''affiliate'' in comment 35(b)(2)(iii)–1.ii.C was also inadvertently deleted from the *Code of Federal Regulations* in 2019, and no change in interpretation was intended.[34] The Bureau also proposed to add the deleted sentence back into this comment.

Two commenters supported the proposed extension of the non-escrowing date to 90 days beyond the effective (*i.e.,* publication) date of the rule and said they agreed with the Bureau's concern that small institutions might unintentionally become ineligible. Four other commenters requested that the Bureau allow 120 days instead of 90, stating that small institutions often lack the resources to adjust to new compliance requirements quickly and thus the extra time would be very important. Two other commenters asked for a longer transition period than 90 days but did not specify how many days the Bureau should provide. None of the commenters asking for more than 90 days provided factual evidence of the need for more time beyond their stated knowledge of creditor processes.

The Bureau is amending § 1026.35(b)(2)(iii)(D)(*1*) and comments 35(b)(2)(iii)–1.iv and (iii)(D)(*1*)–1 generally as proposed, but finalizing the end date for the exception to the non-escrowing requirement as 120 days from the effective date (date of publication) instead of the proposed end date of 90 days from the effective date. The small- to mid-size institutions affected by the rule may not be immediately aware of the change and might make themselves ineligible for the exemption by establishing escrow accounts before they become aware of the change. With the final rule end date change, such institutions will have 120 days to learn of the amendment. The Bureau has no information that extending the non-escrowing date of the final rule from 90 to 120 days after the effective date would harm consumers or have an adverse impact on industry.

The Bureau initially adopted the criterion in § 1026.35(b)(2)(iii)(D) under its broad discretionary authority, set forth in 15 U.S.C. 1639d(c)(4), to establish ''any other criteria [for the escrow exemption] consistent with the purposes'' of the escrow provisions. In establishing the new exemption in EGRRCPA section 108, Congress incorporated as a prerequisite to the new exemption the criterion in § 1026.35(b)(2)(iii)(D) or ''any successor regulation.'' The Bureau interprets the reference to ''any successor regulation'' to authorize it to make amendments to existing § 1026.35(b)(2)(iii)(D) consistent with the purposes of the escrow provisions, the same standard under which the provision was initially authorized. The Bureau believes the amendment to the end date in § 1026.35(b)(2)(iii)(D)(*1*) is consistent with the purposes of the escrow provisions to avoid disqualifying the majority of institutions that otherwise would qualify for the new exemption. Without this amendment, the Bureau believes that very few insured depository institutions and insured credit unions would have been able to benefit from the new escrow exemption. Such institutions would only have been institutions that (1) together with their affiliates, had more than approximately $2 billion in assets and, without affiliates, less than $10 billion in assets; (2) had not extended any HPMLs since May 1, 2016; and (3) did not offer mortgage escrows in the normal course of business. Because this approach would have restricted access to the new HPML escrow exemption to this limited group of institutions, the usefulness of the exemption would have been extremely limited. The Bureau acknowledges the possibility that creditors outside of the scope of the new escrow exemption might become eligible for the existing escrow exemption as a result of the end-date change. However, any such creditors were able to so during previous date extensions and chose not to. Therefore, the Bureau believes that few, if any, of such creditors would actually take advantage of the existing escrow exemption during this date extension.

In addition, the Bureau's exemption is authorized under the Bureau's TILA section 105(a) authority to make adjustments to facilitate compliance with TILA and effectuate its purposes.[35] Modifying the date will facilitate compliance with TILA for the institutions that would qualify for the exemption but for the previous end date.

Finally, in a recent annual inflation adjustment rulemaking, the Bureau erroneously amended comment 35(b)(2)(iii)–1.iii.E to include a reference to the year ''2019'' rather than the correct ''2020,'' and also erroneously amended comment 35(b)(2)(iii)–1.iii.E.8 to include a reference to the year ''2010'' rather than the correct ''2021.'' [36] The Bureau considers these to be scrivener's errors that should be interpreted as references to the year ''2020'' and ''2021'' respectively, and the Bureau is now correcting the errors for clarity.

35(b)(2)(iv)

35(b)(2)(iv)(A)

The proposed rule explained that existing § 1026.35(b)(2)(iv)(A)(*3*) provided that a county or census block could be designated as rural using an application process pursuant to section 89002 of the Helping Expand Lending Practices in Rural Communities Act.[37] Because the provision ceased to have any force or effect on December 4, 2017, the Bureau proposed to remove this provision and make conforming changes to § 1026.35(b)(2)(iv)(A). The Bureau also proposed to remove references to the obsolete provision in comments

[33] 84 FR 1356 (Feb. 26, 2019).

[34] *Id.*

[35] 15 U.S.C. 1604(a).

[36] Truth in Lending Act (Regulation Z) Adjustment to Asset-Size Exemption Threshold, 85 FR 83411, 83415 (Dec. 22, 2020).

[37] 129 Stat. 1799.

35(b)(2)(iv)(A)–1.i and –2.i, as well as comment 43(f)(1)(vi)–1.

On June 23, 2020, the Bureau issued an interpretive rule that describes the HMDA data to be used in determining whether an area is ''underserved.'' [38] As the interpretive rule explained, certain parts of the methodology described in comment 35(b)(2)(iv)–1.ii became obsolete because they referred to HMDA data points replaced or otherwise modified by the 2015 HMDA Final Rule. In the proposed rule, the Bureau proposed to remove as obsolete the last two sentences from comment 35(b)(2)(iv)–1.ii and to remove references to publishing the annual rural and underserved lists in the **Federal Register**, based on its tentative conclusion that such publication does not increase the ability of financial institutions to access the information, and that posting the lists on the Bureau's public website is sufficient.

The Bureau did not receive comments on these proposed changes to § 1026.35(b)(2)(iv)(A), the related changes to the official commentary, or the changes to comment 35(b)(2)(iv)–1.[39] For the reasons discussed above, the Bureau is finalizing these amendments as proposed.

35(b)(2)(v)

EGRRCPA section 108 further amends TILA section 129D to provide that one of the requirements for the new escrow exemption is that an exempted loan satisfy the criterion in Regulation Z § 1026.35(b)(2)(v), a prerequisite to the original escrow exemption. Existing § 1026.35(b)(2)(v) provides that, unless otherwise exempted by § 1026.35(b)(2), the exemption to the escrow requirement would not be available for any first-lien HPML that, at consummation, is subject to a commitment to be acquired by a person that does not satisfy the conditions for an exemption in § 1026.35(b)(2)(iii) (*i.e.,* no forward commitment). In adopting the original escrow exemption, the Bureau stated that the prerequisite of no forward commitments would appropriately implement the requirement in TILA section 129D(c)(1)(C) [40] that the exemption apply only to portfolio lenders.[41] The Bureau also reasoned that conditioning the exemption on a lack of forward commitments, rather than requiring that all loans be held in portfolio, would avoid consumers having to make unexpected lump sum payments to fund an escrow account.[42]

To implement section 108, the Bureau proposed to add references in § 1026.35(b)(2)(v) to the new exemption to make clear that the new exemption would also not be available for transactions subject to forward commitments of the type described in § 1026.35(b)(2)(v). The Bureau also proposed to add similar references to the new exemption in comment 35(b)(2)(v)–1 discussing ''forward commitments.'' The Bureau did not receive comments regarding these provisions and is finalizing them as proposed.

35(b)(2)(vi)

As explained above in part I, section 108 of the EGRRCPA amends TILA section 129D to provide a new exemption from the HPML escrow requirement.[43] The new exemption is narrower than the existing TILA section 129D exemption in several ways, including the following. First, the section 108 exemption is limited to insured depositories and insured credit unions that meet the statutory criteria, whereas the existing escrow exemption applies to any creditor (including a non-insured creditor) that meets its criteria. Second, the originations limit in the section 108 exemption is specified to be 1,000 loans secured by a first lien on a principal dwelling originated by an insured depository institution or insured credit union and its affiliates during the preceding calendar year. In contrast, TILA section 129D(c)(1) (as redesignated) gave the Bureau discretion to choose the originations limit for the original escrow exemption, which the Bureau set at 500 covered transactions, and subsequently amended to 2,000 covered transactions (other than portfolio loans).[44] Third, TILA section 129D(c)(1) also gave the Bureau discretion to determine any asset size threshold (which the Bureau set at $2 billion) and any other criteria the Bureau may establish, consistent with the purposes of TILA. EGRRCPA section 108, on the other hand, specifies an asset size threshold of $10 billion and does not expressly state that the Bureau can establish other criteria. (However, as discussed above, section 108 does appear to allow for a more circumscribed ability to alter certain parameters of the new exemption by referencing the existing regulation ''or any successor regulation.'').[45]

As explained in the proposed rule, EGRRCPA section 108 carves out a carefully circumscribed exemption available to insured depository institutions and insured credit unions that do not pursue mortgage lending as a major business line. Congress provided an asset size limit of $10 billion, approximately eight billion dollars above the existing escrow exemption, but reduced the originations limit to 1,000 loans.

The Bureau proposed to implement the EGRRCPA section 108 exemption consistent with this understanding of its limited scope. Proposed new § 1026.35(b)(2)(vi) would have codified the section 108 exemption by imposing as a precondition a bar on its use with transactions involving forward commitments, as explained above in the discussion of the forward commitments provision, § 1026.35(b)(2)(v), and limiting its use to insured depository institutions and insured credit unions. The other requirements for the exemption would have been implemented in proposed subparagraphs (A), (B) and (C), discussed below.

Only one commenter, a national trade association, referred to the proposal's discussion of the nature and purpose of the new exemption. That commenter agreed with the Bureau's reading of the statute and supported the Bureau's implementation of the new exemption.

To facilitate compliance, the Bureau also proposed to provide three-month grace periods [46] for the annually applied requirements for the EGRRCPA section 108 escrow exemption, in § 1026.35(b)(2)(vi)(A), (B), and (C). The grace periods would allow exempt creditors to continue using the exemption for three months after they exceed a threshold in the previous year, to allow a transition period and facilitate compliance.[47] The new

[38] Bureau of Consumer Fin. Prot., Truth in Lending (Regulation Z); Determining ''Underserved'' Areas Using Home Mortgage Disclosure Act Data (June 23, 2020), *https://www.consumerfinance.gov/policy-compliance/rulemaking/final-rules/truth-lending-regulation-z-underserved-areas-home-mortgage-disclosure-act-data/.*

[39] Although the Bureau did not receive comments about the specific changes regarding rural or underserved status discussed here, commenters did express concern about the general rural or underserved requirement of the new escrow exemption. Those comments are discussed below in the section-by-section analysis of § 1026.35(b)(2)(vi)(C).

[40] EGRRCPA section 108 redesignated this paragraph. It was previously TILA section 129D(c)(3).

[41] 78 FR 4726, 4741.

[42] *Id.* at 4741–42.

[43] EGRRCPA section 108 designates the new exemption as TILA section 129D(c)(2) and redesignates the paragraph that includes the existing escrow exemption, adopted pursuant to section 1461(a) of the Dodd-Frank Act, as TILA section 129D(c)(1).

[44] 12 CFR 1026.35(b)(2)(iii)(B).

[45] TILA section 129D(c)(2)(C).

[46] See the discussion of § 1026.35(b)(2)(vi)(A) below for further explanation of the Bureau's adoption of grace periods in the exemption.

[47] *See* 80 FR 59944, 59948–49, 59951, 59954.

proposed exemption would have used the same type of grace periods as in the existing escrow exemption at § 1026.35(b)(2)(iii).

Three commenters supported the proposed grace periods, citing compliance uncertainty and volume and asset fluctuations. Two of these commenters discussed the general use of grace periods for the different thresholds in the rule, and one discussed the use of a grace period with the 1,000-loan threshold specifically. No commenters opposed the use of grace periods. As explained further below in the section-by-section analysis of § 1026.35(b)(2)(vi)(A), the Bureau is now adopting the grace periods as proposed.

In addition to the three-month grace periods, the proposed exemption had other important provisions in common with the existing escrow exemption, including the rural or underserved test, the definition of affiliates, and the application of the non-escrowing time period requirement. Thus, the Bureau proposed to add new comment 35(b)(2)(vi)–1, which cross-references the commentary to § 1026.35(b)(2)(iii). Specifically, proposed comment 35(b)(2)(vi)–1 explained that for guidance on applying the grace periods for determining asset size or transaction thresholds under § 1026.35(b)(2)(vi)(A) or (B), the rural or underserved requirement, or other aspects of the exemption in § 1026.35(b)(2)(vi) not specifically discussed in the commentary to § 1026.35(b)(2)(vi), an insured depository institution or insured credit union may, where appropriate, refer to the commentary to § 1026.35(b)(2)(iii).

No commenters discussed proposed comment 35(b)(2)(vi)–1 and its cross reference to the commentary to § 1026.35(b)(2)(iii). For the reasons discussed above, the Bureau now adopts the comment as proposed.

35(b)(2)(vi)(A)

EGRRCPA section 108(1)(D) amends TILA section 129D(c)(2)(A) to provide that the new escrow exemption is available only for transactions by an insured depository or credit union that ''has assets of $10,000,000,000 or less.'' The Bureau proposed to implement this provision in new § 1026.35(b)(2)(vi)(A) by: (1) Using an institution's assets during the previous calendar year to qualify for the exemption, but allowing for a three-month grace period at the beginning of a new year if the institution loses the exemption it previously qualified for; and (2) adjusting the $10 billion threshold annually for inflation using the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W), not seasonally adjusted, for each 12-month period ending in November, with rounding to the nearest million dollars.

Two commenters opposed the $10 billion asset threshold, arguing that larger financial institutions should have access to the exemption. One of these commenters suggested that the Bureau make the exemption available to financial institutions with assets of $4 billion dollars *or more* that originate 100 *or more* mortgages per year. However, section 108 of the EGRRCPA specifically sets a threshold of $10 billion as a maximum. The comment provided no basis for the Bureau to ignore the express language of the statute in its implementing regulations.

The existing escrow exemption at § 1026.35(b)(2)(iii) includes three-month grace periods for determination of asset size, loan volume, and rural or underserved status. As explained above in the section-by-section analysis of § 1026.35(b)(2)(vi), those grace periods allow exempt creditors to continue using the exemption for three months after they exceed a threshold in the previous year, so that there will be a transition period to facilitate compliance when they no longer qualify for the exemption.[48] The use of grace periods therefore addresses potential concerns regarding the impact of asset size and origination volume fluctuations from year to year.[49] As with the grace periods in the existing escrow exemption, the new proposed grace period in § 1026.35(b)(2)(vi)(A) would cover applications received before April 1 of the year following the year that the asset threshold is exceeded, and allow institutions to continue to use their asset size from the year before the previous year.

The Bureau has determined that, although new TILA section 129D(c)(2)(A) does not expressly provide for a grace period, the Bureau is justified in using the same type of grace period in the new exemption as provided for in the existing regulatory exemption. EGRRCPA section 108 specifically cites to and relies on aspects of the existing regulatory exemption, which uses grace periods for certain factors. In fact, section 108 incorporates one requirement from the existing escrow exemption, the rural or underserved requirement at § 1026.35(b)(2)(iii)(A), that uses a grace period. The Bureau believes that grace periods are authorized under its TILA section 105(a) authority.[50] The Bureau concludes that the proposed grace periods for the asset threshold, and the loan origination limit in § 1026.35(b)(2)(vi)(B),[51] would facilitate compliance with TILA for institutions that formerly qualified for the exemption but then exceeded the threshold in the previous year. Those institutions would have three months to adjust their compliance management systems to come into compliance and provide the required escrow accounts. The grace periods would reduce uncertainties caused by yearly fluctuations in assets or originations and make the timing of the new and existing exemptions consistent. They would also ease the aggregate compliance burden of the escrow provisions, consistent with the overall purpose of the statutory amendments.

As explained in the section-by-section analysis of § 1026.35(b)(2)(vi), all comments received that referred to grace periods supported their use. For the reasons discussed in that section-by-section analysis and immediately above, the Bureau now finalizes as proposed the three-month grace period for the asset threshold provision in § 1026.35(b)(2)(vi)(A).

Congress restricted the EGRRCPA section 108 exemption to insured depositories and credit unions with assets of $10 billion or less. Although section 108 does not expressly state that this figure should be adjusted for inflation, the Bureau proposed this adjustment to effectuate the purposes of TILA and facilitate compliance with TILA. EGRRCPA section 108 specifically cites to and relies on criteria in the existing escrow exemption, whose asset threshold is adjusted for inflation. Furthermore, monetary threshold amounts are adjusted for inflation in numerous places in Regulation Z.[52] In addition, inflation adjustment keeps the threshold value at the same level in real terms as when adopted, thereby ensuring the same effect over time as provided for initially in the statute. Therefore, adjusting the threshold value to account for inflation is necessary or proper under TILA section 105(a) to effectuate the purposes

[48] 80 FR 59944, 59948–49, 59951, 59954.

[49] *See* 80 FR 7770, 7781 (Feb. 11, 2015).

[50] 15 U.S.C. 1604(a).

[51] The Bureau also believes that the use of a grace period with the rural or underserved requirement is appropriate and the Bureau is proposing to include one by citing to existing § 1026.35(b)(2)(iii)(A). However, because the regulation already provides for that grace period, the discussion of the use of exception and adjustment authority does not list it.

[52] *See, e.g.,* § 1026.3(b)(1)(ii) (Regulation Z exemption for credit over applicable threshold), § 1026.35(c)(2)(ii) (appraisal exemption threshold); § 1026.6(b)(2)(iii) (CARD Act minimum interest charge threshold); § 1026.43(e)(3)(ii)(points and fees thresholds for qualified mortgage status).

of TILA and facilitate compliance with TILA.[53] The Bureau believes that adjusting the threshold for inflation would facilitate compliance by allowing the institutions to remain exempt despite inflation, and that failure to adjust for inflation would interfere with the purpose of TILA by reducing the availability of the exemption over time to fewer institutions than the provision was meant to cover.

In order to facilitate compliance with § 1026.35(b)(2)(vi)(A), the Bureau proposed to add comment 35(b)(2)(vi)(A)–1. Comment 35(b)(2)(vi)(A)–1 would explain the method by which the asset threshold will be adjusted for inflation, that the assets of affiliates are not considered in calculating compliance with the threshold (consistent with EGRRCPA section 108), and that the Bureau will publish notice of the adjusted asset threshold each year.

The Bureau did not receive any comments on the proposed annual inflation adjustment to the asset threshold. For the reasons discussed above, the Bureau now is finalizing this provision and comment 35(b)(2)(vi)(A)–1 as proposed.

35(b)(2)(vi)(B)

EGRRCPA section 108 limits use of its escrow exemption to insured depositories and insured credit unions that, with their affiliates, ''during the preceding calendar year . . . originated 1,000 or fewer loans secured by a first lien on a principal dwelling.'' This threshold is half the limit in the existing regulatory exemption and does not exclude portfolio loans from the total.

The Bureau proposed to implement the 1,000-loan threshold in new § 1026.35(b)(2)(vi)(B), with a three-month grace period similar to the one provided in proposed § 1026.35(b)(2)(vi)(A) and the ''rural or underserved'' requirement in proposed § 1026.35(b)(2)(vi)(C) (discussed in more detail in the relevant section-by-section analysis below). (For the Bureau's reasoning regarding the adoption of grace periods with the new exemption, see the section-by-section analyses of § 1026.35(b)(2)(vi) and (vi)(A) above.)

There are important differences between the 2,000-loan transaction threshold in existing § 1026.35(b)(2)(iii)(B) and the 1,000-loan transaction threshold in proposed § 1026.35(b)(2)(vi)(B). Proposed comment 35(b)(2)(vi)(B)–1 would aid compliance by explaining the differences between the transactions to be counted toward the two thresholds for their respective exemptions.

Four commenters discussed the proposed loan-limit threshold. As explained above in the section-by-section analysis of § 1026.35(b)(2)(vi)(A), one commenter suggested that the Bureau make the exemption available to financial institutions with assets of $4 billion dollars *or more* that originate 100 *or more* mortgages per year. Two commenters stated that the threshold should be 2,000 loans a year, the same as the existing escrow exemption, in order to reduce costs and allow them to better serve their customers. However, EGRRCPA section 108 specifies the 1,000 loan limit, and does not cite to the 2,000 loan limit in the existing escrow exemption, even though it does cite to the existing escrow exemption for other requirements.[54] In other words, Congress specifically addressed this issue and chose not to use the numbers suggested by the commenters.

For the reasons discussed above, the Bureau is finalizing § 1026.35(b)(2)(vi)(B) and comment 35(b)(2)(vi)(B)–1 as proposed.

35(b)(2)(vi)(C)

EGRRCPA section 108 requires that, in order to be eligible for the new exemption, an insured depository institution or insured credit union must, among other things, satisfy the criteria in § 1026.35(b)(2)(iii)(A) and (D), or any successor regulation. The Bureau proposed to implement these requirements in new § 1026.35(b)(2)(vi)(C).

Section 1026.35(b)(2)(iii)(A) requires that during the preceding calendar year, or, if the application for the transaction was received before April 1 of the current calendar year, during either of the two preceding calendar years, a creditor has extended a covered transaction, as defined by § 1026.43(b)(1), secured by a first lien on a property that is located in an area that is either ''rural'' or ''underserved,'' as set forth in § 1026.35(b)(2)(iv). As discussed above in the section-by-section analysis of § 1026.35(b)(2)(vi)(A), the current regulation includes a three-month grace period at the beginning of a calendar year to allow a transition period for institutions that lose the existing escrow exemption, and EGRRCPA section 108 incorporates that provision, including the grace period, into the new exemption. By following the EGRRCPA and citing to the current regulation, the Bureau proposed to include the criteria for extending credit in a rural or underserved area, including the grace period, in the new exemption.

Four commenters stated that the final rule should exclude small manufactured housing loans from the ''rural or underserved'' requirement. These commenters raised concerns that the cost of escrowing was taking lenders out of this market and making these loans less available, and they indicated that the requirement would interfere with many institutions' ability to make appropriate use of the new exemption. Two of these commenters suggested that the Bureau eliminate the rural or underserved requirement for loans under $100,000, which they said would generally be manufactured housing loans, as long as the lender meets all of the other requirements for the new HPML escrow exemption. The commenters did not provide any data or specific information to support their statements.

The rural or underserved provision is a TILA statutory requirement incorporated in the existing regulatory exemption.[55] EGRRCPA section 108 expressly cites to and adopts this requirement,[56] and the proposed rule proposed to do the same. The Bureau does not believe that partial elimination of this statutory requirement would implement EGRRCPA section 108 appropriately. Furthermore, the statutory EGRRCPA provision did not differentiate between manufactured housing and other real estate, the Bureau's proposal did not discuss the rule's potential effects on manufactured housing loans, and the proposal did not consider or include a loan amount based carve-out. The commenters did not provide any evidence that Congress intended a carve-out targeted at manufactured housing as they propose, and such a carve-out could affect the existing escrow exemption if adopted fully. Moreover, these commenters did not provide data demonstrating that the escrow requirement interferes with the availability of manufactured housing loans, and the Bureau does not have such data. For these reasons, the Bureau declines to alter the rural or underserved requirement for the new exemption and finalizes the provision as proposed. However, the Bureau will continue to monitor the market regarding this issue.

[53] 15 U.S.C. 1604(a).

[54] A different commenter acknowledged that the statute would not allow an increase to a 2,000 loan limit, but requested that the Bureau support future legislation that would do so. The Bureau generally does not take a position on pending or future legislation.

[55] 12 CFR 1026.35(b)(2)(iii)(A).

[56] TILA section 129D(c)(2)(C).

Section 1026.35(b)(2)(iii)(D) of the existing escrow exemption, which EGRRCPA section 108 makes a requirement for the new exemption, generally provides that a creditor may not use the exemption if it or its affiliate maintains an escrow account for any extension of consumer credit secured by real property or a dwelling that the creditor or its affiliate currently services. The Bureau proposed to implement this requirement in § 1026.35(b)(2)(vi)(C). See the section-by-section analysis of § 1026.35(b)(2)(iii) above for a discussion of this requirement and the exception to this requirement for escrows established between certain dates.

One mortgage lender commenter stated that it now uses escrows often for its customers, because it did not previously qualify for an exemption from the escrow rule. The commenter further stated that stopping all escrows would interfere with its current level of service, and that the customer and the lender should decide if an escrow is appropriate for a given loan. For these reasons, the commenter suggested that the Bureau eliminate the non-escrowing requirement from the new exemption.

EGRRCPA section 108 cites to and adopts the non-escrowing requirement in the Bureau's existing regulation, making the non-escrowing requirement in the new exemption statutory. The commenter did not provide any factual or legal evidence to support its suggestion that the Bureau's regulations not follow the statutory requirement. For these reasons and the reasons explained above in the discussion of § 1026.35(b)(2)(iii)(D), the Bureau declines to eliminate the non-escrowing requirement in this final rule. The Bureau will, however, continue to monitor the market regarding this issue. The Bureau now finalizes the provision as proposed, with the extension of the end date for non-escrowing described below and discussed above in regard to § 1026.35(b)(2)(iii)(D)(*1*).

There are two exclusions from the non-escrowing requirement in the existing escrow exemption and that, therefore, were proposed for the new escrow exemption. First, escrow accounts established after consummation as an accommodation to distressed consumers to assist such consumers in avoiding default or foreclosure are excluded from this prohibition. In addition, escrow accounts established between certain dates during which the creditor would have been required to provide escrows to comply with the regulation are also excluded. As explained in the section-by-section analysis of § 1026.35(b)(2)(iii)(D) above, the Bureau proposed to change the end date of this second exclusion to accommodate the new section 108 exemption. Because the Bureau proposed to make the final rule effective upon publication in the **Federal Register** (*see* part VI below), the Bureau proposed to extend the end date in § 1026.35(b)(2)(iii)(D)(*1*) to 90 days after such publication. The Bureau believed that the extra 90 days would help potentially exempt institutions avoid inadvertently making themselves ineligible.

As explained above in regard to § 1026.35(b)(2)(iii)(D)(*1*), the Bureau is adopting an end date for the non-escrowing requirement that is 120 days after the effective date (*i.e.,* publication date).

Section 1026.43—Minimum Standards for Transactions Secured by a Dwelling

43(f) Balloon-Payment Qualified Mortgages Made by Certain Creditors

43(f)(1) Exemption

43(f)(1)(vi)

As explained above in the section-by-section analysis of § 1026.35(b)(2)(iv)(A), the Bureau proposed to remove an obsolete provision from that section and remove references to that obsolete provision in comments 35(b)(2)(iv)–1.i and –2.i, as well as comment 43(f)(1)(vi)–1. The Bureau did not receive any comments on this change. For the reasons described in that section-by-section analysis and immediately above, the Bureau now removes the obsolete language in comment 43(f)(1)(vi)–1.

VI. Effective Date

The Bureau proposed that the amendments included in the proposed rule would take effect for mortgage applications received by an exempt institution on the date of the final rule's publication in the **Federal Register**. Under section 553(d) of the Administrative Procedure Act, the required publication or service of a substantive rule must be made not less than 30 days before its effective date except for certain instances, including when a substantive rule grants or recognizes an exemption or relieves a restriction.[57] The final rule will grant an exemption from a requirement to provide escrow accounts for certain HPMLs and relieve a restriction against providing certain HPMLs without such accounts. The final rule is therefore a substantive rule that grants an exemption and relieves requirements and restrictions.

Two commenters discussed the proposal to make the rule effective upon publication and supported it. Another commenter requested that the Bureau extend the effective date indefinitely and study the effect of the escrow rule on community banks. To make the benefits of the new EGRRCPA section 108 exemption available to eligible financial institutions as soon as possible, the Bureau is making this final rule effective on the date of its publication in the **Federal Register**.

VII. Dodd-Frank Act Section 1022(b)(2) Analysis

A. Overview

The Bureau is finalizing this rule to implement EGRRCPA section 108. See the section-by-section analysis above for a full description of the final rule. In developing the final rule, the Bureau has considered the rule's potential benefits, costs, and impacts as required by section 1022(b)(2)(A) of the Dodd-Frank Act.[58] In addition, the Bureau has consulted, or offered to consult, with the appropriate prudential regulators and other Federal agencies, including regarding consistency of this final rule with any prudential, market, or systemic objectives administered by such agencies as required by section 1022(b)(2)(B) of the Dodd-Frank Act.

B. Data Limitations and Quantification of Benefits, Costs, and Impacts

The discussion in this part VII relies on information that the Bureau has obtained from industry, other regulatory agencies, and publicly available sources. These sources form the basis for the Bureau's consideration of the likely impacts of the final rule. The Bureau provides the best estimates possible of the potential benefits and costs to consumers and covered persons of this rule given available data. However, as discussed further below in this part VII, the data with which to quantify the potential costs, benefits, and impacts of the final rule are generally limited.

In light of these data limitations, the analysis below generally provides a qualitative discussion of the benefits, costs, and impacts of the final rule.

[57] 5 U.S.C. 553(d).

[58] Specifically, section 1022(b)(2)(A) of the Dodd-Frank Act requires the Bureau to consider the potential benefits and costs of the regulation to consumers and covered persons, including the potential reduction of access by consumers to consumer financial products and services; the impact of proposed rules on insured depository institutions and insured credit unions with less than $10 billion in total assets as described in section 1026 of the Dodd-Frank Act; and the impact on consumers in rural areas.

General economic principles and the Bureau's expertise in consumer financial markets, together with the limited data that are available, provide insight into these benefits, costs, and impacts.

C. Baseline for Analysis

In evaluating the potential benefits, costs, and impacts of the final rule, the Bureau takes as a baseline the existing regulations requiring the establishment of escrow accounts for certain HPMLs and the existing exemption from these regulations. The final rule will create a new exemption so that some entities that are currently subject to the regulations requiring the establishing of these escrow accounts will no longer be subject to those regulations. Therefore, the baseline for the analysis of the final rule is those entities remaining subject to those requirements. The Bureau received no comments regarding this choice of baseline for its section 1022(b) analysis.

The final rule should affect the market as described in part VII.D below as long as it is in effect. However, the costs, benefits, and impacts of any rule are difficult to predict far into the future. Therefore, the analysis in part VII.D of the benefits, costs, and impacts of the final rule is most likely to be accurate for the first several years following implementation of the final rule.

D. Benefits and Costs to Consumers and Covered Persons

The Bureau has relied on a variety of data sources to analyze the potential benefits, costs, and impacts of the final rule. To estimate the number of mortgage lenders that may be impacted by the rule and the number of HPMLs originated by those lenders, the Bureau has analyzed the 2019 HMDA data.[59] While the HMDA data have some shortcomings that are discussed in more detail below, they are the best source available to the Bureau to quantify the impact of the final rule. For some portions of the analysis, the requisite data are not available or are quite limited. As a result, portions of this analysis rely in part on general economic principles to provide a qualitative discussion of the benefits, costs, and impacts of the final rule.

For entities that currently exist, the final rule will have a direct effect mainly on those entities that are not currently exempt and will become exempt under the final rule. The Bureau estimates that in the 2019 HMDA data there are 154 insured depositories or insured credit unions with assets between $2 billion and $10 billion that originated at least one mortgage in a rural or underserved area and originated fewer than 1,000 mortgages secured by a first lien on a primary dwelling, and as a result are likely to be impacted by the final rule. Together, these institutions reported originating 120,904 mortgages in 2019. The Bureau estimates that less than 3,000 of these were HPMLs.[60]

Because of the amendment to the end date in proposed 1026.35(b)(2)(iii)(D)(*1*), it is possible that the final rule will also affect entities that established escrow accounts after May 1, 2016, but would otherwise already be exempt under existing regulations. These could be entities that voluntarily established escrow accounts after May 1, 2016, even though they were not required to, or entities that, together with certain affiliates, had more than $2 billion in total assets, adjusted for inflation, before 2016 but less than $2 billion, adjusted for inflation, afterwards. The Bureau does not possess the data to evaluate the number of such creditors but believes there to be very few of them.

The final rule could encourage entry into the HPML market, expanding the number of entities exempted. However, the limited number of existing insured depository institutions and insured credit unions who will be exempt under the final rule may be an indication that the total potential market for such institutions of this size engaging in mortgage lending of less than 1,000 loans per year is small. This could indicate that few such institutions would enter the market due to the final rule.[61] Moreover, the volume of lending they could engage in while maintaining the exemption is limited. The impact of this final rule on such institutions that are not exempt and would remain not exempt, or that are already exempt, will likely be very small. The impact of this final rule on consumers with HPMLs from institutions that are not exempt and will remain not exempt, or that are already exempt, will also likely be very small. Therefore, the analysis in this part VII.D focuses on entities that will be affected by the final rule and consumers at those entities. Because few entities are likely to be affected by the final rule, and these entities originate a relatively small number of mortgages, the Bureau notes that the benefits, costs, and impacts of the final rule are likely to be small. However, in localized areas some newly exempt community banks and small credit unions may increase mortgage lending to consumers who may be underserved at present.

1. Benefits and Costs to Consumers

For consumers with HPMLs originated by affected insured depository institutions and insured credit unions, the main effect of the final rule will be that those institutions will no longer be required to provide escrow accounts for HPMLs. As described in part VII.D above, the Bureau estimates that fewer than 3,000 HPMLs were originated in 2019 by institutions likely to be impacted by the rule. Institutions that will be affected by the final rule could choose to provide or not provide escrow accounts. If affected institutions decide not to provide escrow accounts, then consumers who would have escrow accounts under the baseline will instead not have escrow accounts. Affected consumers will experience both benefits and costs as a result of the final rule. These benefits and costs will vary across consumers. The discussion of these benefits and costs below focuses on the effects of escrow accounts on monthly payments. However, one commenter noted that, because creditors often require borrowers to make two upfront monthly payments of escrowed items when obtaining a loan, escrow accounts also increase the amount consumers must pay upfront to obtain a loan (although these upfront payments can often themselves be financed). Therefore, many of the costs and benefits discussed in this part VII.D.1 should also be

[59] For information on the 2019 HMDA data, *see* Feng Liu *et al., An Updated Review of the New and Revised Data Points in HMDA: Further Observations using the 2019 HMDA Data* (Aug. 2020), *https://files.consumerfinance.gov/f/documents/cfpb_data-points_updated-review-hmda_report.pdf.* The section 1022(b) analysis of the proposal for this rule analyzed 2018 HMDA data.

[60] Some of the 154 entities described above were exempt under the EGRRCPA from reporting many variables for their loans. Non-exempt entities originated 2,601 first-lien closed-end mortgages with APOR spreads above 150 basis points. Such mortgages below the conforming loan limit were HPMLs. Such mortgages above the conforming limit loan limit may not have been HPMLs if their APOR spreads were less than 250 basis points. To derive an upper limit on the number of HPMLs originated, all such mortgages are included in the calculations. The Bureau does not have data on the number of potential HPMLs originated by entities exempt under the EGRRCPA from reporting rate spread data. Assuming the ratio of HPMLs to first-lien mortgages is the same for these entities as it was for non-exempt entities yields an estimate of 347 HPMLs originated by exempt entities, for a total conservative estimate of 2,948 HPMLs in the sample.

[61] For evidence that the original escrow requirement did not cause many lenders to exit the market, *see* Alexei Alexandrov & Xiaoling Ang, *Regulations, Community Bank and Credit Union Exits, and Access to Mortgage Credit* (rev. Oct. 2018), *https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2462128.* This provides suggestive evidence that a limited exemption from the escrow requirement will cause few lenders to enter the market.

interpreted as applying to these upfront payments.

Affected consumers would have mortgage escrow accounts under the baseline but will not under the final rule. The potential benefits to consumers of not having mortgage escrow accounts include: (1) More budgetary flexibility, (2) interest or other earnings on capital,[62] (3) decreased prices passed through from decreased servicing costs, and (4) greater access to credit resulting from lower mortgage servicing costs.

Escrow accounts generally require consumers to save for infrequent liabilities, such as property tax and insurance, by making equal monthly payments. Standard economic theory predicts that many consumers may value the budgetary flexibility to manage tax and insurance payments in other ways. Even without an escrow account, those consumers who prefer to make equal monthly payments towards escrow liabilities may still do so by, for example, creating a savings account for the purpose. Other consumers who do not like this payment structure can come up with their own preferred payment plans. For example, a consumer with $100 per month in mortgage escrow payments and $100 per month in discretionary income might have to resort to taking on high-interest debt to cover an emergency $200 expense. If the same consumer were not required to make escrow payments, she could pay for the emergency expense immediately without taking on high-interest debt and still afford her property tax and insurance payments by increasing her savings for that purpose by an additional $100 the following month.

Another benefit for consumers may be the ability to invest their money and earn a return on amounts that might, depending on State regulations, be forgone when using an escrow. The Bureau does not have the data to estimate the interest consumers forgo because of escrow accounts, but numerical examples may be illustrative. Assuming a 0 percent annual interest rate on savings, a consumer forgoes no interest because of escrow. Assuming a 5 percent annual interest rate on savings, a consumer with property tax and insurance payments of $2,500 every six months forgoes about $65 per year in interest because of escrow.

Finally, consumers may benefit from the final rule from the pass-through of lower costs incurred in servicing the loan under the final rule compared to under the baseline. The benefit to consumers will depend on whether fixed or marginal costs, or both, fall because of the final rule. Typical economic theory predicts that existing firms should pass through only decreases in marginal rather than fixed costs. The costs to servicers of providing escrow accounts for consumers are likely to be predominantly fixed rather than marginal, which may limit the pass-through of lower costs on to consumers in the form of lower prices or greater access to credit. Research also suggests that the mortgage market may not be perfectly competitive and therefore that creditors may not fully pass through reductions even in marginal costs.[63] Therefore, the benefit to consumers from receiving decreased costs at origination because decreased servicing costs are passed through is likely to be small. Lower servicing costs could also benefit consumers by encouraging new originators to enter the market. New exempt originators may be better able to compete with incumbent originators and potentially provide mortgages to underserved consumers because they will not have to incur the costs of establishing and maintaining escrow accounts. They in turn could provide more credit at lower costs to consumers. However, recent research suggests that the size of this benefit may be small.[64]

One commenter suggested an additional benefit to consumers of not having escrow accounts. This commenter noted that some consumers with escrow accounts may erroneously believe they still have to make their property insurance or tax payments themselves. Consumers who unnecessarily make these payments may then have to spend time and effort to get their payments refunded. The commenter did not provide, and the Bureau does not have, data to quantify this benefit.

The potential costs to consumers of not having access to an escrow account include: (1) The difficulty of paying several bills instead of one, (2) a loss of a commitment and budgeting device, and (3) reduced transparency of mortgage costs potentially leading some consumers to spend more on house payments than they want, need, or can afford.

Consumers may find it less convenient to separately pay a mortgage bill, an insurance bill, and potentially several tax bills, instead of one bill from the mortgage servicer with all required payments included. Servicers who maintain escrow accounts effectively assume the burden of tracking whom to pay, how much, and when, across multiple payees. Consumers without escrow accounts assume this burden themselves. This cost varies across consumers, and there is no current research to estimate it. An approximation may be found, however, in an estimate of around $20 per month per consumer, depending on the household's income, coming from the value of paying the same bill for phone, cable television, and internet.[65]

The loss of escrow accounts may hurt consumers who value the budgetary predictability and commitment that escrow accounts provide. Recent research finds that many homeowners do not pay full attention to property taxes,[66] and are more likely to pay property tax bills on time if sent reminders to plan for these payments.[67] Other research suggests that many consumers, in order to limit their spending, prefer to pay more for income taxes than necessary through payroll deductions and receive a tax refund check from the IRS in the spring, even though consumers who do this forgo interest they could have earned on the overpaid taxes.[68] This could suggest that some consumers may value mortgage escrow accounts because they provide a form of savings commitment. The Bureau recognizes that the budgeting and commitment benefits of mortgage escrow accounts vary across consumers. These benefits will be particularly large for consumers who would otherwise miss payments or even experience foreclosure. Research suggests that a nontrivial fraction of consumers may be

[62] Some States require the paying of interest on escrow account balances. But even in those States the consumer might be able to arrange a better return than the escrow account provides.

[63] Jason Allen *et al., The Effect of Mergers in Search Markets: Evidence from the Canadian Mortgage Industry,* Am. Econ. Rev. 2013, 104(10), at 3365–96.

[64] S*ee* Alexandrov & Ang, *supra* note 61.

[65] Hongju Liu *et al., Complementarities and the Demand for Home Broadband internet Services,* Marketing Science, 29(4), 701–20 (Feb. 2010), *https://pubsonline.informs.org/doi/abs/10.1287/mksc.1090.0551.*

[66] Francis Wong, *Mad as Hell: Property Taxes and Financial Distress* (Dec. 15, 2020), *available at https://www.dropbox.com/sh/55dcwuztmo8bwuv/AADfEOFVXZ8zVGzj0-Od5GCKa?dl=0.*

[67] Stephanie Moulton *et al., Reminders to Pay Property Tax Payments: A Field Experiment of Older Adults with Reverse Mortgages* (Sept. 6, 2019), *https://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID3445419_code1228972.pdf?abstractid=3445419&mirid=1.*

[68] Michael S. Barr & Jane K. Dokko, *Paying to Save: Tax Withholding and Asset Allocation Among Low- and Moderate-Income Taxpayers,* Finance and Economics Discussion Series, Federal Reserve Board (2008), *http://www.federalreserve.gov/pubs/feds/2008/200811/200811pap.pdf.*

in this group.[69] One commenter who argued against the general escrow requirement reported that none of its customers defaulted on property taxes or insurance payments, but that commenter currently provides escrow accounts for its customers with HPMLs, and so the commenter provided little evidence regarding tax and insurance default rates when escrows are not established. As discussed previously, some consumers may assign no benefit to escrow accounts, or even consider the budgeting and commitment aspects of escrow accounts to be a cost to them.

Finally, escrow accounts may make it easier for consumers to shop for mortgages by reducing the number of payments consumers have to compare. Consumers considering mortgages without escrow accounts may not be fully aware of the costs they would be assuming and may end up paying more on mortgage and housing costs than they want, need, or can afford. Research suggests that some consumers make suboptimal decisions when obtaining a mortgage, in part because of the difficulty of comparing different mortgage options across a large number of dimensions, and that consumers presented with simpler mortgage choices make better decisions.[70] For example, if a consumer compares a monthly mortgage payment that includes an escrow payment, as most consumer mortgages do, with a payment that does not include an escrow payment, the consumer may mistakenly believe the non-escrow loan is less expensive, even though the non-escrow loan may in fact be more expensive. In practice, the magnitude and frequency of these mistakes likely depend in part on the effectiveness of cost disclosures consumers receive while shopping for mortgages. As one commenter noted, estimated insurance and tax payments must be disclosed under existing regulations.

2. Costs and Benefits to Affected Creditors

For affected creditors, the main effect of the final rule is that they will no longer be required to establish and maintain escrow accounts for HPMLs. As described in part VII.D above, the Bureau estimates that fewer than 3,000 HPMLs were originated in 2019 by institutions likely to be impacted by the rule. Of the 154 institutions that are likely to be impacted by the final rule as described above, 103 were not exempt under the EGRRCPA from reporting APOR rate spreads. Of these 103, no more than 70 originated at least one HPML in 2019.

The main benefit of the rule on affected entities will be cost savings. There are startup and operational costs of providing escrow accounts.

Operational costs of maintaining escrow accounts for a given time period (such as a year) can be divided into costs associated with maintaining any escrow account for that time period and marginal costs associated with maintaining each escrow account for that time period. The cost of maintaining software to analyze escrow accounts for under- or overpayments is an example of the former. Because the entities affected by the rule are small and do not originate large numbers of mortgages, this kind of cost will not be spread among many loans. The per-letter cost of mailing consumers escrow statements is an example of the latter. The Bureau does not have data to estimate these costs.

The startup costs associated with creating the infrastructure to establish and maintain escrow accounts may be substantial. However, many creditors who will not be required to establish and maintain escrow accounts under the final rule are currently required to do so under the existing regulation. These creditors have already paid these startup costs and will therefore not benefit from lower startup costs under the final rule. However, the final rule will lower startup costs for new firms that enter the market. The final rule will also lower startup costs for insured depositories and insured credit unions that are sufficiently small that they are currently exempt from mortgage escrow requirements under the existing regulation, but that will grow in size such that they would no longer be exempt under the existing regulation, but will still be exempt under the final rule.

Affected creditors could still provide escrow accounts for consumers if they choose to do so. Therefore, the final rule will not impose any cost on creditors. However, the benefits to firms of the final rule will be partially offset by forgoing the benefits of providing escrow accounts. The two main benefits to creditors of providing escrow accounts to consumers are (1) decreased default risk for consumers, and (2) the loss of interest income from escrow accounts.

As noted previously, research suggests that escrow accounts reduce mortgage default rates.[71] Eliminating escrow accounts may therefore increase default rates, offsetting some of the benefits to creditors of lower servicing costs.[72] In the event of major damage to the property, the creditor might end up with little or nothing if the homeowner had not been paying home insurance premiums. If the homeowner had not been paying taxes, there might be a claim or lien on the property interfering with the creditor's ability to access the full collateral. Therefore, the costs to creditors of foreclosures may be especially severe in the case of homeowners without mortgage escrow accounts.

The other cost to creditors of eliminating escrow accounts is the interest that they otherwise would have earned on escrow account balances. Depending on the State, creditors might not be required to pay interest on the money in the escrow account or might be required to pay a fixed interest rate that is less than the market rate.[73] The Bureau does not have the data to determine the interest that creditors earn on escrow account balances, but numerical examples may be illustrative. One commenter reported earning interest of around 0.1 percent on escrow account balances. Assuming a 0 percent annual interest rate, the servicer earns no interest because of escrow. Assuming a 5 percent annual interest rate and a mortgage account with property tax and insurance payments of $2,500 every six months, the servicer earns about $65 a year in interest because of escrow.

The Bureau does not have the data to estimate the benefits of lower default rates or escrow account interest for creditors. However, the Bureau believes that for most lenders the marginal benefits of maintaining escrow accounts outweigh the marginal costs, on average, because in the current market lenders and servicers often do not relieve consumers of the obligation to have escrow accounts unless those consumers meet requirements related to credit scores, home equity, and other measures of default risk. In addition,

[69] Moulton *et al., supra* note 67. *See also* Nathan B. Anderson & Jane K. Dokko, *Liquidity Problems and Early Payment Default Among Subprime Mortgages,* Finance and Economics Discussion Series, Federal Reserve Board (2011), *http://www.federalreserve.gov/pubs/feds/2011/201109/201109pap.pdf.*

[70] Susan E. Woodward & Robert E. Hall, *Consumer Confusion in the Mortgage Market: Evidence of Less than a Perfectly Transparent and Competitive Market,* Am. Econ. Rev.: Papers & Proceedings, 100(2), 511–15 (2010).

[71] *See* Moulton *et al., supra* note 67; *see also* Anderson & Dokko, *supra* note 69.

[72] Because of this potential, many creditors currently verify that consumers without escrow accounts make the required insurance and tax payments. The final rule may increase these monitoring costs for creditors by increasing the number of consumers without escrow accounts, even if many of these consumers do not default.

[73] Some States may require interest rates that are higher than market rates, imposing a cost on creditors who provide escrow accounts.

creditors often charge consumers a fee for eliminating escrow accounts, in order to compensate the creditors for the increase in default risk associated with the removal of escrow accounts. However, for small lenders that do not engage in a high volume of mortgage lending and could benefit from the final rule, the analysis may be different.

E. Specific Impacts of the Final Rule

1. Insured Depository Institutions and Credit Unions With $10 Billion or Less in Total Assets, as Described in Section 1026

The final rule will apply only to insured depository instructions and credit unions with $10 billion or less in assets. Therefore, the consideration of the benefits, costs, and impacts of the final rule on covered persons presented in part VII.D represents in full the Bureau's analysis of the benefits, costs, and impacts of the final rule on insured depository institutions and credit unions with $10 billion or less in assets.

2. Impact of the Final Provisions on Consumer Access to Credit and on Consumers in Rural Areas

The final rule will affect insured depositories and insured credit unions that operate at least in part in rural or underserved areas. As discussed in part VII.D, the Bureau does not expect the costs, benefits, or impacts of the rule to be large in aggregate, but because affected entities must operate in rural or underserved areas, the costs, benefits, and impacts of the rule may be expected to be larger in rural areas. Entities likely to be affected by the final rule originated roughly 0.6 percent of all mortgages reported to HMDA in 2019. Such entities originated roughly 1.0 percent of all mortgages in rural areas reported to HMDA in 2019.[74] Therefore, entities likely to be affected by the final rule have a small share of the overall market, and a small but somewhat larger share of the rural market. This suggests the costs, benefits, and impacts of the rule will be small in rural areas, but larger in rural areas than in other areas.

As discussed in part VII.D, the final rule may increase consumer access to credit. It may also present other costs, benefits, and impacts for affected consumers. Because creditors likely to be affected by this rule have a disproportionately large market share in rural areas, the Bureau expects that the costs, benefits, and impacts of the final rule on rural consumers will be proportionally larger than the costs, benefits, and impacts of the final rule on other consumers.

VIII. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (RFA),[75] as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,[76] generally requires an agency to conduct an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) of any rule subject to notice-and-comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The Bureau also is subject to certain additional procedures under the RFA involving the convening of a panel to consult with small business representatives prior to proposing a rule for which an IRFA is required.[77]

A depository institution is considered ''small'' if it has $600 million or less in assets.[78] Under existing regulations, most depository institutions with less than $2 billion in assets are already exempt from the mortgage escrow requirement, and there would be no difference if they chose to use the new exemption. The final rule will affect only insured depository institutions and insured credit unions, and in general will affect only certain of such institutions with over approximately $2 billion in assets. Since depository institutions with over $2 billion in assets are not small under the SBA definition, the final rule will affect very few, if any, small entities.

Furthermore, affected institutions could still provide escrow accounts for their consumers if they chose to. Therefore, the final rule will not impose any substantial burden on any entities, including small entities.

Accordingly, the Director hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities. Thus, a FRFA of the final rule is not required.

IX. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA),[79] Federal agencies are generally required to seek the Office of Management and Budget's (OMB's) approval for information collection requirements prior to implementation. The collections of information related to Regulation Z have been previously reviewed and approved by OMB and assigned OMB Control number 3170–0015. Under the PRA, the Bureau may not conduct or sponsor and, notwithstanding any other provision of law, a person is not required to respond to an information collection unless the information collection displays a valid control number assigned by OMB.

The Bureau has determined that this final rule will not impose any new or revised information collection requirements (recordkeeping, reporting, or disclosure requirements) on covered entities or members of the public that would constitute collections of information requiring OMB approval under the PRA.

X. Congressional Review Act

Pursuant to the Congressional Review Act,[80] the Bureau will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to the rule's taking effect. The Office of Information and Regulatory Affairs has designated this rule as not a ''major rule'' as defined by 5 U.S.C. 804(2).

XI. Signing Authority

Director of the Bureau Kathleen L. Kraninger, having reviewed and approved this document, is delegating the authority to electronically sign this document to Grace Feola, Bureau Federal Register Liaisons, for purposes of publication in the **Federal Register**.

List of Subjects in 12 CFR Part 1026

Advertising, Banks, Banking, Consumer protection, Credit, Credit unions, Mortgages, National banks, Reporting and recordkeeping requirements, Savings associations, Truth-in-lending.

Authority and Issuance

For the reasons set forth in the preamble, the Bureau amends Regulation Z, 12 CFR part 1026, as set forth below:

PART 1026—TRUTH IN LENDING (REGULATION Z)

■ 1. The authority citation for part 1026 continues to read as follows:

[74] In 2018, entities likely to be affected by the final rule originated roughly 0.9 percent of all mortgages reported to HMDA. In 2018, such entities originated roughly 1.6 percent of all mortgages in rural areas reported to HMDA.

[75] 5 U.S.C. 601 *et seq.*

[76] Public Law 104–121, tit. II, 110 Stat. 857 (1996).

[77] 5 U.S.C. 609.

[78] The current SBA size standards can be found on SBA's website at *https://www.sba.gov/sites/default/files/2019-08/SBA%20Table%20of%20Size%20Standards_Effective%20Aug%2019%2C%202019_Rev.pdf.*

[79] 44 U.S.C. 3501 *et seq.*

[80] 5 U.S.C. 801 *et seq.*

Authority: 12 U.S.C. 2601, 2603–2605, 2607, 2609, 2617, 3353, 5511, 5512, 5532, 5581; 15 U.S.C. 1601 *et seq.*

Subpart E—Special Rules for Certain Home Mortgage Transactions

■ 2. Amend § 1026.35 by:
■ a. Adding paragraphs (a)(3) and (4);
■ b. Revising paragraphs (b)(2)(iii)(D)(*1*), (iv)(A), and (v); and
■ c. Adding paragraph (b)(2)(vi).

The additions and revisions read as follows:

§ 1026.35 Requirements for higher-priced mortgage loans.

(a) * * *

(3) ''Insured credit union'' has the meaning given in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(4) ''Insured depository institution'' has the meaning given in Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(b) * * *

(2) * * *

(iii) * * *

(D) * * *

(*1*) Escrow accounts established for first-lien higher-priced mortgage loans for which applications were received on or after April 1, 2010, and before June 17, 2021; or

* * * * *

(iv) * * *

(A) An area is ''rural'' during a calendar year if it is:

(*1*) A county that is neither in a metropolitan statistical area nor in a micropolitan statistical area that is adjacent to a metropolitan statistical area, as those terms are defined by the U.S. Office of Management and Budget and as they are applied under currently applicable Urban Influence Codes (UICs), established by the United States Department of Agriculture's Economic Research Service (USDA–ERS); or

(*2*) A census block that is not in an urban area, as defined by the U.S. Census Bureau using the latest decennial census of the United States.

* * * * *

(v) Notwithstanding paragraphs (b)(2)(iii) and (vi) of this section, an escrow account must be established pursuant to paragraph (b)(1) of this section for any first-lien higher-priced mortgage loan that, at consummation, is subject to a commitment to be acquired by a person that does not satisfy the conditions in paragraph (b)(2)(iii) or (vi) of this section, unless otherwise exempted by this paragraph (b)(2).

(vi) Except as provided in paragraph (b)(2)(v) of this section, an escrow account need not be established for a transaction made by a creditor that is an insured depository institution or insured credit union if, at the time of consummation:

(A) As of the preceding December 31st, or, if the application for the transaction was received before April 1 of the current calendar year, as of either of the two preceding December 31sts, the insured depository institution or insured credit union had assets of $10,000,000,000 or less, adjusted annually for inflation using the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for each 12-month period ending in November (see comment 35(b)(2)(vi)(A)–1 for the applicable threshold);

(B) During the preceding calendar year, or, if the application for the transaction was received before April 1 of the current calendar year, during either of the two preceding calendar years, the creditor and its affiliates, as defined in § 1026.32(b)(5), together extended no more than 1,000 covered transactions secured by a first lien on a principal dwelling; and

(C) The transaction satisfies the criteria in paragraphs (b)(2)(iii)(A) and (D) of this section.

* * * * *

■ 3. Amend supplement I to part 1026 by:
■ a. Under *Section 1026.35—Requirements for Higher-Priced Mortgage Loans:*
■ i. Revising *paragraph 35(b)(2)(iii);*
■ ii. Adding *paragraphs 35(b)(2)(iii)(D)(1) and 35(b)(2)(iii)(D)(2);*
■ iv. Revising *paragraphs 35(b)(2)(iv)* and *35(b)(2)(v);*
■ vi. Adding *paragraphs 35(b)(2)(vi)* and *35(b)(2)(vi)(A).*
■ b. Under *Section 1026.43—Minimum Standards for Transactions Secured by a Dwelling,* revising *paragraph 43(f)(1)(vi).*

The revisions and additions read as follows:

Supplement I to Part 1026—Official Interpretations

* * * * *

Section 1026.35—Requirements for Higher-Priced Mortgage Loans

* * * * *

35(b) Escrow Accounts

* * * * *

35(b)(2) Exemptions

* * * * *

Paragraph 35(b)(2)(iii).

1. *Requirements for exemption.* Under § 1026.35(b)(2)(iii), except as provided in § 1026.35(b)(2)(v), a creditor need not establish an escrow account for taxes and insurance for a higher-priced mortgage loan, provided the following four conditions are satisfied when the higher-priced mortgage loan is consummated:

i. During the preceding calendar year, or during either of the two preceding calendar years if the application for the loan was received before April 1 of the current calendar year, a creditor extended a first-lien covered transaction, as defined in § 1026.43(b)(1), secured by a property located in an area that is either ''rural'' or ''underserved,'' as set forth in § 1026.35(b)(2)(iv).

A. In general, whether the rural-or-underserved test is satisfied depends on the creditor's activity during the preceding calendar year. However, if the application for the loan in question was received before April 1 of the current calendar year, the creditor may instead meet the rural-or-underserved test based on its activity during the next-to-last calendar year. This provides creditors with a grace period if their activity meets the rural-or-underserved test (in § 1026.35(b)(2)(iii)(A)) in one calendar year but fails to meet it in the next calendar year.

B. A creditor meets the rural-or-underserved test for any higher-priced mortgage loan consummated during a calendar year if it extended a first-lien covered transaction in the preceding calendar year secured by a property located in a rural-or-underserved area. If the creditor does not meet the rural-or-underserved test in the preceding calendar year, the creditor meets this condition for a higher-priced mortgage loan consummated during the current calendar year only if the application for the loan was received before April 1 of the current calendar year and the creditor extended a first-lien covered transaction during the next-to-last calendar year that is secured by a property located in a rural or underserved area. The following examples are illustrative:

1. Assume that a creditor extended during 2016 a first-lien covered transaction that is secured by a property located in a rural or underserved area. Because the creditor extended a first-lien covered transaction during 2016 that is secured by a property located in a rural or underserved area, the creditor can meet this condition for exemption for any higher-priced mortgage loan consummated during 2017.

2. Assume that a creditor did not extend during 2016 a first-lien covered transaction secured by a property that is located in a rural or underserved area. Assume further that the same creditor

extended during 2015 a first-lien covered transaction that is located in a rural or underserved area. Assume further that the creditor consummates a higher-priced mortgage loan in 2017 for which the application was received in November 2017. Because the creditor did not extend during 2016 a first-lien covered transaction secured by a property that is located in a rural or underserved area, and the application was received on or after April 1, 2017, the creditor does not meet this condition for exemption. However, assume instead that the creditor consummates a higher-priced mortgage loan in 2017 based on an application received in February 2017. The creditor meets this condition for exemption for this loan because the application was received before April 1, 2017, and the creditor extended during 2015 a first-lien covered transaction that is located in a rural or underserved area.

ii. The creditor and its affiliates together extended no more than 2,000 covered transactions, as defined in § 1026.43(b)(1), secured by first liens, that were sold, assigned, or otherwise transferred by the creditor or its affiliates to another person, or that were subject at the time of consummation to a commitment to be acquired by another person, during the preceding calendar year or during either of the two preceding calendar years if the application for the loan was received before April 1 of the current calendar year. For purposes of § 1026.35(b)(2)(iii)(B), a transfer of a first-lien covered transaction to ''another person'' includes a transfer by a creditor to its affiliate.

A. In general, whether this condition is satisfied depends on the creditor's activity during the preceding calendar year. However, if the application for the loan in question is received before April 1 of the current calendar year, the creditor may instead meet this condition based on activity during the next-to-last calendar year. This provides creditors with a grace period if their activity falls at or below the threshold in one calendar year but exceeds it in the next calendar year.

B. For example, assume that in 2015 a creditor and its affiliates together extended 1,500 loans that were sold, assigned, or otherwise transferred by the creditor or its affiliates to another person, or that were subject at the time of consummation to a commitment to be acquired by another person, and 2,500 such loans in 2016. Because the 2016 transaction activity exceeds the threshold but the 2015 transaction activity does not, the creditor satisfies this condition for exemption for a higher-priced mortgage loan consummated during 2017 if the creditor received the application for the loan before April 1, 2017, but does not satisfy this condition for a higher-priced mortgage loan consummated during 2017 if the application for the loan was received on or after April 1, 2017.

C. For purposes of § 1026.35(b)(2)(iii)(B), extensions of first-lien covered transactions, during the applicable time period, by all of a creditor's affiliates, as ''affiliate'' is defined in § 1026.32(b)(5), are counted toward the threshold in this section. ''Affiliate'' is defined in § 1026.32(b)(5) as ''any company that controls, is controlled by, or is under common control with another company, as set forth in the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*).'' Under the Bank Holding Company Act, a company has control over a bank or another company if it directly or indirectly or acting through one or more persons owns, controls, or has power to vote 25 per centum or more of any class of voting securities of the bank or company; it controls in any manner the election of a majority of the directors or trustees of the bank or company; or the Federal Reserve Board determines, after notice and opportunity for hearing, that the company directly or indirectly exercises a controlling influence over the management or policies of the bank or company. 12 U.S.C. 1841(a)(2).

iii. As of the end of the preceding calendar year, or as of the end of either of the two preceding calendar years if the application for the loan was received before April 1 of the current calendar year, the creditor and its affiliates that regularly extended covered transactions secured by first liens, together, had total assets that are less than the applicable annual asset threshold.

A. For purposes of § 1026.35(b)(2)(iii)(C), in addition to the creditor's assets, only the assets of a creditor's ''affiliate'' (as defined by § 1026.32(b)(5)) that regularly extended covered transactions (as defined by § 1026.43(b)(1)) secured by first liens, are counted toward the applicable annual asset threshold. *See* comment 35(b)(2)(iii)–1.ii.C for discussion of definition of ''affiliate.''

B. Only the assets of a creditor's affiliate that regularly extended first-lien covered transactions during the applicable period are included in calculating the creditor's assets. The meaning of ''regularly extended'' is based on the number of times a person extends consumer credit for purposes of the definition of ''creditor'' in § 1026.2(a)(17). Because covered transactions are ''transactions secured by a dwelling,'' consistent with § 1026.2(a)(17)(v), an affiliate regularly extended covered transactions if it extended more than five covered transactions in a calendar year. Also consistent with § 1026.2(a)(17)(v), because a covered transaction may be a high-cost mortgage subject to § 1026.32, an affiliate regularly extends covered transactions if, in any 12-month period, it extends more than one covered transaction that is subject to the requirements of § 1026.32 or one or more such transactions through a mortgage broker. Thus, if a creditor's affiliate regularly extended first-lien covered transactions during the preceding calendar year, the creditor's assets as of the end of the preceding calendar year, for purposes of the asset limit, take into account the assets of that affiliate. If the creditor, together with its affiliates that regularly extended first-lien covered transactions, exceeded the asset limit in the preceding calendar year—to be eligible to operate as a small creditor for transactions with applications received before April 1 of the current calendar year—the assets of the creditor's affiliates that regularly extended covered transactions in the year before the preceding calendar year are included in calculating the creditor's assets.

C. If multiple creditors share ownership of a company that regularly extended first-lien covered transactions, the assets of the company count toward the asset limit for a co-owner creditor if the company is an ''affiliate,'' as defined in § 1026.32(b)(5), of the co-owner creditor. Assuming the company is not an affiliate of the co-owner creditor by virtue of any other aspect of the definition (such as by the company and co-owner creditor being under common control), the company's assets are included toward the asset limit of the co-owner creditor only if the company is controlled by the co-owner creditor, ''as set forth in the Bank Holding Company Act.'' If the co-owner creditor and the company are affiliates (by virtue of any aspect of the definition), the co-owner creditor counts all of the company's assets toward the asset limit, regardless of the co-owner creditor's ownership share. Further, because the co-owner and the company are mutual affiliates the company also would count all of the co-owner's assets towards its own asset limit. *See* comment 35(b)(2)(iii)–1.ii.C for discussion of the definition of ''affiliate.''

D. A creditor satisfies the criterion in § 1026.35(b)(2)(iii)(C) for purposes of any higher-priced mortgage loan consummated during 2016, for example,

if the creditor (together with its affiliates that regularly extended first-lien covered transactions) had total assets of less than the applicable asset threshold on December 31, 2015. A creditor that (together with its affiliates that regularly extended first-lien covered transactions) did not meet the applicable asset threshold on December 31, 2015 satisfies this criterion for a higher-priced mortgage loan consummated during 2016 if the application for the loan was received before April 1, 2016 and the creditor (together with its affiliates that regularly extended first-lien covered transactions) had total assets of less than the applicable asset threshold on December 31, 2014.

E. Under § 1026.35(b)(2)(iii)(C), the $2,000,000,000 asset threshold adjusts automatically each year based on the year-to-year change in the average of the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for each 12-month period ending in November, with rounding to the nearest million dollars. The Bureau will publish notice of the asset threshold each year by amending this comment. For calendar year 2021, the asset threshold is $2,230,000,000. A creditor that together with the assets of its affiliates that regularly extended first-lien covered transactions during calendar year 2020 has total assets of less than $2,230,000,000 on December 31, 2020, satisfies this criterion for purposes of any loan consummated in 2021 and for purposes of any loan consummated in 2022 for which the application was received before April 1, 2022. For historical purposes:

1. For calendar year 2013, the asset threshold was $2,000,000,000. Creditors that had total assets of less than $2,000,000,000 on December 31, 2012, satisfied this criterion for purposes of the exemption during 2013.

2. For calendar year 2014, the asset threshold was $2,028,000,000. Creditors that had total assets of less than $2,028,000,000 on December 31, 2013, satisfied this criterion for purposes of the exemption during 2014.

3. For calendar year 2015, the asset threshold was $2,060,000,000. Creditors that had total assets of less than $2,060,000,000 on December 31, 2014, satisfied this criterion for purposes of any loan consummated in 2015 and, if the creditor's assets together with the assets of its affiliates that regularly extended first-lien covered transactions during calendar year 2014 were less than that amount, for purposes of any loan consummated in 2016 for which the application was received before April 1, 2016.

4. For calendar year 2016, the asset threshold was $2,052,000,000. A creditor that together with the assets of its affiliates that regularly extended first-lien covered transactions during calendar year 2015 had total assets of less than $2,052,000,000 on December 31, 2015, satisfied this criterion for purposes of any loan consummated in 2016 and for purposes of any loan consummated in 2017 for which the application was received before April 1, 2017.

5. For calendar year 2017, the asset threshold was $2,069,000,000. A creditor that together with the assets of its affiliates that regularly extended first-lien covered transactions during calendar year 2016 had total assets of less than $2,069,000,000 on December 31, 2016, satisfied this criterion for purposes of any loan consummated in 2017 and for purposes of any loan consummated in 2018 for which the application was received before April 1, 2018.

6. For calendar year 2018, the asset threshold was $2,112,000,000. A creditor that together with the assets of its affiliates that regularly extended first-lien covered transactions during calendar year 2017 had total assets of less than $2,112,000,000 on December 31, 2017, satisfied this criterion for purposes of any loan consummated in 2018 and for purposes of any loan consummated in 2019 for which the application was received before April 1, 2019.

7. For calendar year 2019, the asset threshold was $2,167,000,000. A creditor that together with the assets of its affiliates that regularly extended first-lien covered transactions during calendar year 2018 had total assets of less than $2,167,000,000 on December 31, 2018, satisfied this criterion for purposes of any loan consummated in 2019 and for purposes of any loan consummated in 2020 for which the application was received before April 1, 2020.

8. For calendar year 2020, the asset threshold was $2,202,000,000. A creditor that together with the assets of its affiliates that regularly extended first-lien covered transactions during calendar year 2019 had total assets of less than $2,202,000,000 on December 31, 2019, satisfied this criterion for purposes of any loan consummated in 2020 and for purposes of any loan consummated in 2021 for which the application was received before April 1, 2021.

iv. The creditor and its affiliates do not maintain an escrow account for any mortgage transaction being serviced by the creditor or its affiliate at the time the transaction is consummated, except as provided in § 1026.35(b)(2)(iii)(D)(*1*) and (*2*). Thus, the exemption applies, provided the other conditions of § 1026.35(b)(2)(iii) (or, if applicable, the conditions for the exemption in § 1026.35(b)(2)(vi)) are satisfied, even if the creditor previously maintained escrow accounts for mortgage loans, provided it no longer maintains any such accounts except as provided in § 1026.35(b)(2)(iii)(D)(*1*) and (*2*). Once a creditor or its affiliate begins escrowing for loans currently serviced other than those addressed in § 1026.35(b)(2)(iii)(D)(*1*) and (*2*), however, the creditor and its affiliate become ineligible for the exemptions in § 1026.35(b)(2)(iii) and (vi) on higher-priced mortgage loans they make while such escrowing continues. Thus, as long as a creditor (or its affiliate) services and maintains escrow accounts for any mortgage loans, other than as provided in § 1026.35(b)(2)(iii)(D)(*1*) and (*2*), the creditor will not be eligible for the exemption for any higher-priced mortgage loan it may make. For purposes of § 1026.35(b)(2)(iii) and (vi), a creditor or its affiliate ''maintains'' an escrow account only if it services a mortgage loan for which an escrow account has been established at least through the due date of the second periodic payment under the terms of the legal obligation.

Paragraph 35(b)(2)(iii)(D)(1).

1. *Exception for certain accounts.* Escrow accounts established for first-lien higher-priced mortgage loans for which applications were received on or after April 1, 2010, and before June 17, 2021, are not counted for purposes of § 1026.35(b)(2)(iii)(D). For applications received on and after June 17, 2021, creditors, together with their affiliates, that establish new escrow accounts, other than those described in § 1026.35(b)(2)(iii)(D)(*2*), do not qualify for the exemptions provided under § 1026.35(b)(2)(iii) and (vi). Creditors, together with their affiliates, that continue to maintain escrow accounts established for first-lien higher-priced mortgage loans for which applications were received on or after April 1, 2010, and before June 17, 2021, still qualify for the exemptions provided under § 1026.35(b)(2)(iii) and (vi) so long as they do not establish new escrow accounts for transactions for which they received applications on or after June 17, 2021, other than those described in § 1026.35(b)(2)(iii)(D)(*2*), and they otherwise qualify under § 1026.35(b)(2)(iii) or (vi).

Paragraph 35(b)(2)(iii)(D)(2).

1. *Exception for post-consummation escrow accounts for distressed*

consumers. An escrow account established after consummation for a distressed consumer does not count for purposes of § 1026.35(b)(2)(iii)(D). Distressed consumers are consumers who are working with the creditor or servicer to attempt to bring the loan into a current status through a modification, deferral, or other accommodation to the consumer. A creditor, together with its affiliates, that establishes escrow accounts after consummation as a regular business practice, regardless of whether consumers are in distress, does not qualify for the exception described in § 1026.35(b)(2)(iii)(D)(*2*).

Paragraph 35(b)(2)(iv).

1. *Requirements for* ''*rural*'' *or* ''*underserved*'' *status.* An area is considered to be ''rural'' or ''underserved'' during a calendar year for purposes of § 1026.35(b)(2)(iii)(A) if it satisfies either the definition for ''rural'' or the definition for ''underserved'' in § 1026.35(b)(2)(iv). A creditor's extensions of covered transactions, as defined by § 1026.43(b)(1), secured by first liens on properties located in such areas are considered in determining whether the creditor satisfies the condition in § 1026.35(b)(2)(iii)(A). *See* comment 35(b)(2)(iii)–1.

i. Under § 1026.35(b)(2)(iv)(A), an area is rural during a calendar year if it is: A county that is neither in a metropolitan statistical area nor in a micropolitan statistical area that is adjacent to a metropolitan statistical area; or a census block that is not in an urban area, as defined by the U.S. Census Bureau using the latest decennial census of the United States. Metropolitan statistical areas and micropolitan statistical areas are defined by the Office of Management and Budget and applied under currently applicable Urban Influence Codes (UICs), established by the United States Department of Agriculture's Economic Research Service (USDA–ERS). For purposes of § 1026.35(b)(2)(iv)(A)(*1*), ''adjacent'' has the meaning applied by the USDA–ERS in determining a county's UIC; as so applied, ''adjacent'' entails a county not only being physically contiguous with a metropolitan statistical area but also meeting certain minimum population commuting patterns. A county is a ''rural'' area under § 1026.35(b)(2)(iv)(A)(*1*) if the USDA–ERS categorizes the county under UIC 4, 6, 7, 8, 9, 10, 11, or 12. Descriptions of UICs are available on the USDA–ERS website at *http://www.ers.usda.gov/data-products/urban-influence-codes/documentation.aspx.* A county for which there is no currently applicable UIC (because the county has been created since the USDA–ERS last categorized counties) is a rural area only if all counties from which the new county's land was taken are themselves rural under currently applicable UICs.

ii. Under § 1026.35(b)(2)(iv)(B), an area is underserved during a calendar year if, according to Home Mortgage Disclosure Act (HMDA) data for the preceding calendar year, it is a county in which no more than two creditors extended covered transactions, as defined in § 1026.43(b)(1), secured by first liens, five or more times on properties in the county. Specifically, a county is an ''underserved'' area if, in the applicable calendar year's public HMDA aggregate dataset, no more than two creditors have reported five or more first-lien covered transactions, with HMDA geocoding that places the properties in that county.

iii. A. Each calendar year, the Bureau applies the ''underserved'' area test and the ''rural'' area test to each county in the United States. If a county satisfies either test, the Bureau will include the county on a list of counties that are rural or underserved as defined by § 1026.35(b)(2)(iv)(A)(*1*) or § 1026.35(b)(2)(iv)(B) for a particular calendar year, even if the county contains census blocks that are designated by the Census Bureau as urban. To facilitate compliance with appraisal requirements in § 1026.35(c), the Bureau also creates a list of those counties that are rural under the Bureau's definition without regard to whether the counties are underserved. To the extent that U.S. territories are treated by the Census Bureau as counties and are neither metropolitan statistical areas nor micropolitan statistical areas adjacent to metropolitan statistical areas, such territories will be included on these lists as rural areas in their entireties. The Bureau will post on its public website the applicable lists for each calendar year by the end of that year to assist creditors in ascertaining the availability to them of the exemption during the following year. Any county that the Bureau includes on these lists of counties that are rural or underserved under the Bureau's definitions for a particular year is deemed to qualify as a rural or underserved area for that calendar year for purposes of § 1026.35(b)(2)(iv), even if the county contains census blocks that are designated by the Census Bureau as urban. A property located in such a listed county is deemed to be located in a rural or underserved area, even if the census block in which the property is located is designated as urban.

B. A property is deemed to be in a rural or underserved area according to the definitions in § 1026.35(b)(2)(iv) during a particular calendar year if it is identified as such by an automated tool provided on the Bureau's public website. A printout or electronic copy from the automated tool provided on the Bureau's public website designating a particular property as being in a rural or underserved area may be used as ''evidence of compliance'' that a property is in a rural or underserved area, as defined in § 1026.35(b)(2)(iv)(A) and (B), for purposes of the record retention requirements in § 1026.25.

C. The U.S. Census Bureau may provide on its public website an automated address search tool that specifically indicates if a property is located in an urban area for purposes of the Census Bureau's most recent delineation of urban areas. For any calendar year that began after the date on which the Census Bureau announced its most recent delineation of urban areas, a property is deemed to be in a rural area if the search results provided for the property by any such automated address search tool available on the Census Bureau's public website do not designate the property as being in an urban area. A printout or electronic copy from such an automated address search tool available on the Census Bureau's public website designating a particular property as not being in an urban area may be used as ''evidence of compliance'' that the property is in a rural area, as defined in § 1026.35(b)(2)(iv)(A), for purposes of the record retention requirements in § 1026.25.

D. For a given calendar year, a property qualifies for a safe harbor if any of the enumerated safe harbors affirms that the property is in a rural or underserved area or not in an urban area. For example, the Census Bureau's automated address search tool may indicate a property is in an urban area, but the Bureau's rural or underserved counties list indicates the property is in a rural or underserved county. The property in this example is in a rural or underserved area because it qualifies under the safe harbor for the rural or underserved counties list. The lists of counties posted on the Bureau's public website, the automated tool on its public website, and the automated address search tool available on the Census Bureau's public website, are not the exclusive means by which a creditor can demonstrate that a property is in a rural or underserved area as defined in § 1026.35(b)(2)(iv)(A) and (B). However, creditors are required to retain ''evidence of compliance'' in accordance

with § 1026.25, including determinations of whether a property is in a rural or underserved area as defined in § 1026.35(b)(2)(iv)(A) and (B).

2. *Examples.* i. An area is considered ''rural'' for a given calendar year based on the most recent available UIC designations by the USDA–ERS and the most recent available delineations of urban areas by the U.S. Census Bureau that are available at the beginning of the calendar year. These designations and delineations are updated by the USDA–ERS and the U.S. Census Bureau respectively once every ten years. As an example, assume a creditor makes first-lien covered transactions in Census Block X that is located in County Y during calendar year 2017. As of January 1, 2017, the most recent UIC designations were published in the second quarter of 2013, and the most recent delineation of urban areas was announced in the **Federal Register** in 2012, *see* U.S. Census Bureau, *Qualifying Urban Areas for the 2010 Census,* 77 FR 18652 (Mar. 27, 2012). To determine whether County Y is rural under the Bureau's definition during calendar year 2017, the creditor can use USDA–ERS's 2013 UIC designations. If County Y is not rural, the creditor can use the U.S. Census Bureau's 2012 delineation of urban areas to determine whether Census Block X is rural and is therefore a ''rural'' area for purposes of § 1026.35(b)(2)(iv)(A).

ii. A county is considered an ''underserved'' area for a given calendar year based on the most recent available HMDA data. For example, assume a creditor makes first-lien covered transactions in County Y during calendar year 2016, and the most recent HMDA data are for calendar year 2015, published in the third quarter of 2016. The creditor will use the 2015 HMDA data to determine ''underserved'' area status for County Y in calendar year 2016 for the purposes of qualifying for the ''rural or underserved'' exemption for any higher-priced mortgage loans consummated in calendar year 2017 or for any higher-priced mortgage loan consummated during 2018 for which the application was received before April 1, 2018.

Paragraph 35(b)(2)(v).

1. *Forward commitments.* A creditor may make a mortgage loan that will be transferred or sold to a purchaser pursuant to an agreement that has been entered into at or before the time the loan is consummated. Such an agreement is sometimes known as a ''forward commitment.'' Even if a creditor is otherwise eligible for an exemption in § 1026.35(b)(2)(iii) or § 1026.35(b)(2)(vi), a first-lien higher-priced mortgage loan that will be acquired by a purchaser pursuant to a forward commitment is subject to the requirement to establish an escrow account under § 1026.35(b)(1) unless the purchaser is also eligible for an exemption in § 1026.35(b)(2)(iii) or § 1026.35(b)(2)(vi), or the transaction is otherwise exempt under § 1026.35(b)(2). The escrow requirement applies to any such transaction, whether the forward commitment provides for the purchase and sale of the specific transaction or for the purchase and sale of mortgage obligations with certain prescribed criteria that the transaction meets. For example, assume a creditor that qualifies for an exemption in § 1026.35(b)(2)(iii) or § 1026.35(b)(2)(vi) makes a higher-priced mortgage loan that meets the purchase criteria of an investor with which the creditor has an agreement to sell such mortgage obligations after consummation. If the investor is ineligible for an exemption in § 1026.35(b)(2)(iii) or § 1026.35(b)(2)(vi), an escrow account must be established for the transaction before consummation in accordance with § 1026.35(b)(1) unless the transaction is otherwise exempt (such as a reverse mortgage or home equity line of credit).

Paragraph 35(b)(2)(vi).

1. For guidance on applying the grace periods for determining asset size or transaction thresholds under § 1026.35(b)(2)(vi)(A), (B) and (C), the rural or underserved requirement, or other aspects of the exemption in § 1026.35(b)(2)(vi) not specifically discussed in the commentary to § 1026.35(b)(2)(vi), an insured depository institution or insured credit union may refer to the commentary to § 1026.35(b)(2)(iii), while allowing for differences between the features of the two exemptions.

Paragraph 35(b)(2)(vi)(A).

1. The asset threshold in § 1026.35(b)(2)(vi)(A) will adjust automatically each year, based on the year-to-year change in the average of the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for each 12-month period ending in November, with rounding to the nearest million dollars. Unlike the asset threshold in § 1026.35(b)(2)(iii) and the other thresholds in § 1026.35(b)(2)(vi), affiliates are not considered in calculating compliance with this threshold. The Bureau will publish notice of the asset threshold each year by amending this comment. For calendar year 2021, the asset threshold is $10,000,000,000. A creditor that during calendar year 2020 had assets of $10,000,000,000 or less on December 31, 2020, satisfies this criterion for purposes of any loan consummated in 2021 and for purposes of any loan secured by a first lien on a principal dwelling of a consumer consummated in 2022 for which the application was received before April 1, 2022.

Paragraph 35(b)(2)(vi)(B).

1. The transaction threshold in § 1026.35(b)(2)(vi)(B) differs from the transaction threshold in § 1026.35(b)(2)(iii)(B) in two ways. First, the threshold in § 1026.35(b)(2)(vi)(B) is 1,000 loans secured by first liens on a principal dwelling, while the threshold in § 1026.35(b)(2)(iii)(B) is 2,000 loans secured by first liens on a dwelling. Second, all loans made by the creditor and its affiliates secured by a first lien on a principal dwelling count toward the 1,000-loan threshold in § 1026.35(b)(2)(vi)(B), whether or not such loans are held in portfolio. By contrast, under § 1026.35(b)(2)(iii)(B), only loans secured by first liens on a dwelling that were sold, assigned, or otherwise transferred to another person, or that were subject at the time of consummation to a commitment to be acquired by another person, are counted toward the 2,000-loan threshold.

* * * * *

Section 1026.43—Minimum Standards for Transactions Secured by a Dwelling

* * * * *

43(f) Balloon-Payment Qualified Mortgages Made by Certain Creditors

* * * * *

43(f)(1) Exemption

* * * * *

Paragraph 43(f)(1)(vi).

1. *Creditor qualifications.* Under § 1026.43(f)(1)(vi), to make a qualified mortgage that provides for a balloon payment, the creditor must satisfy three criteria that are also required under § 1026.35(b)(2)(iii)(A), (B) and (C), which require:

i. During the preceding calendar year or during either of the two preceding calendar years if the application for the transaction was received before April 1 of the current calendar year, the creditor extended a first-lien covered transaction, as defined in § 1026.43(b)(1), on a property that is located in an area that is designated either ''rural'' or ''underserved,'' as defined in § 1026.35(b)(2)(iv), to satisfy the requirement of § 1026.35(b)(2)(iii)(A) (the rural-or-underserved test). Pursuant to § 1026.35(b)(2)(iv), an area is considered to be rural if it is: A county that is neither in a metropolitan statistical area, nor a micropolitan

statistical area adjacent to a metropolitan statistical area, as those terms are defined by the U.S. Office of Management and Budget; or a census block that is not in an urban area, as defined by the U.S. Census Bureau using the latest decennial census of the United States. An area is considered to be underserved during a calendar year if, according to HMDA data for the preceding calendar year, it is a county in which no more than two creditors extended covered transactions secured by first liens on properties in the county five or more times.

A. The Bureau determines annually which counties in the United States are rural or underserved as defined by § 1026.35(b)(2)(iv)(A)(*1*) or § 1026.35(b)(2)(iv)(B) and publishes on its public website lists of those counties to assist creditors in determining whether they meet the criterion at § 1026.35(b)(2)(iii)(A). Creditors may also use an automated tool provided on the Bureau's public website to determine whether specific properties are located in areas that qualify as ''rural'' or ''underserved'' according to the definitions in § 1026.35(b)(2)(iv) for a particular calendar year. In addition, the U.S. Census Bureau may also provide on its public website an automated address search tool that specifically indicates if a property address is located in an urban area for purposes of the Census Bureau's most recent delineation of urban areas. For any calendar year that begins after the date on which the Census Bureau announced its most recent delineation of urban areas, a property is located in an area that qualifies as ''rural'' according to the definitions in § 1026.35(b)(2)(iv) if the search results provided for the property by any such automated address search tool available on the Census Bureau's public website do not identify the property as being in an urban area.

B. For example, if a creditor extended during 2017 a first-lien covered transaction that is secured by a property that is located in an area that meets the definition of rural or underserved under § 1026.35(b)(2)(iv), the creditor meets this element of the exception for any transaction consummated during 2018.

C. Alternatively, if the creditor did not extend in 2017 a transaction that meets the definition of rural or underserved test under § 1026.35(b)(2)(iv), the creditor satisfies this criterion for any transaction consummated during 2018 for which it received the application before April 1, 2018, if it extended during 2016 a first-lien covered transaction that is secured by a property that is located in an area that meets the definition of rural or underserved under § 1026.35(b)(2)(iv).

ii. During the preceding calendar year, or, if the application for the transaction was received before April 1 of the current calendar year, during either of the two preceding calendar years, the creditor together with its affiliates extended no more than 2,000 covered transactions, as defined by § 1026.43(b)(1), secured by first liens, that were sold, assigned, or otherwise transferred to another person, or that were subject at the time of consummation to a commitment to be acquired by another person, to satisfy the requirement of § 1026.35(b)(2)(iii)(B).

iii. As of the preceding December 31st, or, if the application for the transaction was received before April 1 of the current calendar year, as of either of the two preceding December 31sts, the creditor and its affiliates that regularly extended covered transactions secured by first liens, together, had total assets that do not exceed the applicable asset threshold established by the Bureau, to satisfy the requirement of § 1026.35(b)(2)(iii)(C). The Bureau publishes notice of the asset threshold each year by amending comment 35(b)(2)(iii)–1.iii.

* * * * *

Dated: January 19, 2021.

Grace Feola,

Federal Register Liaison, Bureau of Consumer Financial Protection.

[FR Doc. 2021–01572 Filed 2–16–21; 8:45 am]

BILLING CODE 4810–AM–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2019–0720; FRL–10017–00–Region 2]

Approval of Source-Specific Air Quality Implementation Plans; New Jersey

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) approves a revision to the State of New Jersey's State Implementation Plan (SIP) for the ozone National Ambient Air Quality Standard (NAAQS) related to a source-specific SIP for CMC Steel New Jersey, located at 1 N Crossman, Sayreville, New Jersey (Facility). The control options in this source-specific SIP address volatile organic compounds (VOC) and nitrogen oxide (NO_X) Reasonably Available Control Technology (RACT) for the Facility's electric arc furnace (Sayreville EAF) to continue to operate under the current New Jersey Department of Environmental Protection (NJDEP) approved VOC and NO_X emission limits for the Sayreville EAF.

DATES: The final rule is effective on March 19, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2019–0720. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Longo, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3565, or by email at *longo.linda@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background

The EPA approves a revision to the State of New Jersey's (the State) SIP for attainment and maintenance of the ozone National Ambient Air Quality Standards (NAAQS). On July 15, 2020 (85 FR 42803), the EPA proposed to approve the State's April 30, 2019, SIP revision, which relates to the application of the New Jersey Administrative Code (NJAC) Title 7, Chapter 27, Subchapter 16, ''Control and Prohibition of Air Pollution from Volatile Organic Compounds'' (NJAC 7:27–16) and the NJAC, Title 7, Chapter 27, Subchapter 19, ''Control and Prohibition of Air Pollution from Oxides of Nitrogen'' (NJAC 7:27–19) to the Sayreville EAF. Under this SIP revision, the emission limits for VOC and NO_X for the Sayreville EAF are the lowest emission limits achievable with the application of control technology that is reasonably available given the

technological and economic feasibility considerations associated with operating the Sayreville EAF (*i.e.,* RACT for the Sayreville EAF). The Facility is allowed to continue to operate under its current approved emission limits of 57 pounds per hour (lb/hr) of VOC and 31 lb/hr of NO_X for the Sayreville EAF, because its request to be covered under alternative control plans for VOC pursuant to NJAC 7:27 Subchapter 16 and for NO_X pursuant to NJAC 7:27 Subchapter 19 met the State's deadlines and statutory criteria for approval. A full summary of EPA's findings for this source-specific SIP revision is included in the technical support document that is contained in EPA's docket assigned to this **Federal Register** document.

II. The EPA's Evaluation of New Jersey's Submittals

The EPA's approval is based on the conclusion that the State's April 30, 2019 SIP revision to authorizing the Facility to continue to operate under existing VOC and NO_X emission limits for the Sayreville EAF operated by CMC Steel New Jersey conforms with the State's regulations under NJAC 7:27–16.17 and NJAC 7:27–19.13. After reviewing CMC Steel New Jersey's updated facility-specific VOC and NO_X control plans, which were submitted to NJDEP, that are the subject of this source-specific SIP revision, the EPA makes the following determination:

(1) The Facility qualifies to continue to operate under the current NJDEP-approved emission limits for VOC and NO_X. Under NJAC: 7:27–16.17(c)(3), facilities that sought to continue operating with an alternative VOC control plan that was approved prior to May 19, 2009, were required to submit updated proposed VOC control plans to NJDEP for review by August 17, 2009. Similarly, under NJAC: 7:27–19.13(a)(3), facilities that sought to continue to operate under existing facility-specific NO_X control plans that were approved prior to May 1, 2005, were required to submit updated proposed NO_X control plans to NJDEP for review by August 17, 2009. The Facility met both deadlines with the submission of its VOC and NO_X control plans, respectively.

(2) The Facility's Operating Permit, issued pursuant to Title V of the Clean Air Act (CAA), 42 U.S.C. 7661a, describes a facility-specific VOC emission limit of 57 lb/hr and a facility-specific maximum allowable NO_X emission limit of 31 lb/hr, both of which are consistent with the updated VOC and NO_X control plans that are the subject of this SIP revision.

(3) The EPA's consultation with air pollution control experts from NJDEP and EPA confirms the Facility's RACT analysis conclusion that no comparable electric arc furnace emission control technologies are deployed at other facilities nationwide. For a detailed explanation and evaluation of the SIP revision, refer to the proposed rulemaking. *See* 85 FR 42803, July 15, 2020.

III. What comments were received in response to the EPA's proposed action?

The EPA received no public comments in response to the July 15, 2020 proposed rulemaking. Therefore, the EPA approves this SIP revision with no further changes.

IV. Summary of the EPA's Final Action

The EPA approves the State of New Jersey's SIP revision dated April 30, 2019, which includes a source-specific SIP for CMC Steel New Jersey, located at 1 N Crossman, Sayreville, New Jersey. The control options in this source-specific SIP address the State of New Jersey's RACT requirements included in NJAC 7:27–16, ''Control and Prohibition of Air Pollution from Volatile Organic Compounds'' and New Jersey NJAC 7:27–19, ''Control and Prohibition of Air Pollution from Oxides of Nitrogen'', both effective January 16, 2018. The EPA makes the following findings: (1) The Facility met NJDEP's statutory criteria and deadlines to qualify for continuing to operate under existing VOC and NO_X emission limits; (2) the Facility meets emission limits set by NJDEP for VOC emission rate at 57 lb/hr and for NO_X emission rate at 31 lb/hr; and (3) the Facility implements RACT controls for VOC and NO_X—for VOC, through execution of the Scrap Management Plan and operating a direct evacuation system and for NO_X, through application of good operating practices that maintain a constant temperature in the preheater chamber and minimizes electricity consumption to avoid indirect NO_X emissions. The Facility has demonstrated that it meets all applicable requirements of the CAA and it will not interfere with any applicable requirements pertaining to attainment of the NAAQS and reasonable further progress or with any other applicable requirement of the CAA.

V. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is incorporating by reference the provisions described above in Section IV. Summary of the EPA's Final Action. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 2 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

VI. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this final action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National

[1] 62 FR 27968 (May 22, 1997).

Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

• Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 19, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 10, 2021.

Walter Mugdan,

Acting Regional Administrator, Region 2.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart FF—New Jersey

■ 2. Section 52.1570 is amended in paragraph (d) by adding an entry for CMC Steel New Jersey to the end of the table to read as follows:

§ 52.1570 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED NEW JERSEY SOURCE-SPECIFIC PROVISIONS

Name of source	Identifier No.	State effective date	EPA approval date	Comments
*	*	*	*	*
CMC Steel New Jersey	BOP 150002; PI 18052; Emission Unit U1	May 1, 2019	February 17, 2021	None.

* * * * *

[FR Doc. 2021–03055 Filed 2–16–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2019–0641; FRL–10017–26]

Clopyralid; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of clopyralid in or on the caneberry subgroup 13–07A, the bulb onion subgroup 3–07A, and intermediate wheatgrass bran, forage, germ, grain, middling, shorts, and straw. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 17, 2021. Objections and requests for hearings must be received on or before April 19, 2021, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0641, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document

applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2019–0641 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before April 19, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2019–0641, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of April 15, 2020 (85 FR 20910) (FRL–10006–54), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9E8794) by IR–4, IR–4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540. The petition requested that EPA establish tolerances in 40 CFR 180.431 for residues of the herbicide clopyralid (3,6-dichloro-2-pyridinecarboxylic acid) in or on the raw agricultural commodities Onion, bulb, subgroup 3–07A at 0.4 parts per million (ppm); Caneberry subgroup 13–07A at 0.1 ppm; Wheatgrass, intermediate, bran at 12 ppm; Wheatgrass, intermediate, forage at 9 ppm; Wheatgrass, intermediate, germ at 12 ppm; Wheatgrass, intermediate, grain at 3 ppm; Wheatgrass, intermediate, middling at 12 ppm; Wheatgrass, intermediate, shorts at 12 ppm; Wheatgrass, intermediate, straw at 9 ppm. That document referenced a summary of the petition prepared by Corteva, the registrant, which is available in the docket, *http://www.regulations.gov.* No comments were received in response to the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for clopyralid including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with clopyralid follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemakings of the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings and republishing the same sections is unnecessary; EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published a number of tolerance rulemakings for clopyralid, in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to clopyralid and established tolerances for residues of that chemical. EPA is incorporating previously published sections from those rulemakings as described further in this rulemaking, as they remain unchanged.

Toxicological Profile. For a discussion of the Toxicological Profile of clopyralid, see Unit III.A. of the May 23, 2018 rulemaking (83 FR 23819) (FRL–9977–13).

Toxicological Points of Departure/Levels of Concern. For a summary of the Toxicological Points of Departure/Levels of Concern used for the safety assessment, see Unit III.B. of the May 23, 2018 rulemaking.

Exposure Assessment. Much of the exposure assessment remains the same, although updates have occurred to accommodate exposures from the petitioned-for tolerances. The updates are discussed in this section; the remaining discussion of EPA's assumptions for exposure remain unchanged since the 2018 rulemaking. For a description of the rest of the EPA approach to and assumptions for the exposure assessment, see Unit III.C. of the May 23, 2018 rulemaking.

Safety Factor for Infants and Children. EPA continues to conclude that there is reliable data to support the reduction of the Food Quality Protection Act (FQPA) safety factor. See Unit III.D. of the May 23, 2018 rulemaking for a discussion of the Agency's rationale for that determination.

Aggregate Risks and Determination of Safety. EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute population adjusted dose (aPAD) and chronic PAD (cPAD). Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate margin of exposure (MOE) exists. For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure.

No acute effects were identified in the toxicological studies for clopyralid; therefore, acute risk is not expected. Chronic dietary risks are below the Agency's level of concern of 100% of the cPAD: They are 30% of the cPAD for children 1 to 2 years old, the population subgroup with the highest exposure estimate. The short-term MOE is greater than the Agency's level of concern of 100: It is 1,400 for children 1 to less than 2 years old, the population group of concern. Intermediate-term or long-term residential exposures are not expected.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to clopyralid residues. More detailed information about the Agency's analysis can be found at *http://www.regulations.gov* in the document titled ''Clopyralid. Human Health Risk Assessment for a Proposed Use on Bulb Onion Subgroup (3–07B), Caneberry Subgroup (13–07A), Wheatgrass, and a Label Amendment for Strawberry'' in docket ID number EPA–HQ–OPP–2019–0641.

IV. Other Considerations

A. Analytical Enforcement Methodology

The Pesticide Analytical Manual Volume II (PAM II) lists a method utilizing gas chromatography with electron capture detection (GC/ECD) for determination of clopyralid residues in plant commodities (Method I or Method ACR 75.6).

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). No Codex MRLs have been established for clopyralid.

V. Conclusion

Therefore, tolerances are established for residues of clopyralid in or on the Caneberry subgroup 13–07A at 0.1 ppm; Onion, bulb, subgroup 3–07A at 0.4 ppm; Wheatgrass, intermediate, bran at 12 ppm; Wheatgrass, intermediate, forage at 9 ppm; Wheatgrass, intermediate, germ at 12 ppm; Wheatgrass, intermediate, grain at 3 ppm; Wheatgrass, intermediate, middling at 12 ppm; Wheatgrass, intermediate, shorts at 12 ppm; and Wheatgrass, intermediate, straw at 9 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances and modifications in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 3, 2021.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.431, amend paragraph (a) by designating the table and adding in alphabetical order in newly designated Table 1 to paragraph (a) the entries ''Caneberry subgroup 13–07A''; ''Onion, bulb, subgroup 3–07A''; ''Wheatgrass, intermediate, bran''; ''Wheatgrass, intermediate, forage''; ''Wheatgrass, intermediate, germ''; ''Wheatgrass, intermediate, grain''; ''Wheatgrass, intermediate, middling''; ''Wheatgrass, intermediate, shorts''; and ''Wheatgrass, intermediate, straw'' to read as follows:

§ 180.431 Clopyralid; tolerances for residues.

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
* * * * *	
Caneberry subgroup 13–07A	0.1
* * * * *	
Onion, bulb, subgroup 3–07A	0.4
* * * * *	
Wheatgrass, intermediate, bran	12
* * * * *	
Wheatgrass, intermediate, forage	9
* * * * *	
Wheatgrass, intermediate, germ	12
* * * * *	
Wheatgrass, intermediate, grain	3
* * * * *	
Wheatgrass, intermediate, middling	12
* * * * *	
Wheatgrass, intermediate, shorts	12
* * * * *	
Wheatgrass, intermediate, straw	9

* * * * *

[FR Doc. 2021–03172 Filed 2–16–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2019–0492; FRL–10018–86]

Fluxametamide; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of fluxametamide in or on tea, dried and tea, instant. Nissan Chemical Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 17, 2021. Objections and requests for hearings must be received on or before April 19, 2021, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0492, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2019–0492 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 19, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2019–0492, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

• *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of February 11, 2020 (85 FR 7708) (FRL–10005–02), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9E8757) by Nissan Chemical Corporation, 5–1, Nihonbashi 2-Chome Chuo-Ku, Tokyo 101–6119 Japan, c/o Lewis and Harrison, 2461 South Clark Street, Suite 710, Arlington, VA 22202. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the insecticide fluxametamide, including its metabolites and degradates, in or on tea at 5 parts per million (ppm). That document referenced a summary of the petition prepared by Nissan Chemical Corporation c/o Lewis and Harrison, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has revised the commodity definition and is establishing a tolerance for tea, dried and tea, instant. The reasons for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for fluxametamide including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with fluxametamide follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Fluxametamide belongs to a class of compounds called isoxazolines, which are potent inhibitors of γ-aminobutyric acid (GABA)-, glutamate-, and glycine-gated chloride channels in insects. However, this pesticidal mode of action (MOA) does not seem to be operative in mammals as neurotoxicity was not found in either the acute or subchronic neurotoxicity studies at the limit dose.

The available studies show different organs can be affected. For the dietary toxicity studies in rats (neurotoxicity study, chronic/carcinogenicity, and reproductive toxicity studies), a common effect on the gastrointestinal (GI) tract was observed. The effects consisted of gross pathology (an increase incidence of abnormally pale color duodenum and jejunum) and histopathology (increased incidence of enterocyte epithelial vacuolation of the jejunum). Most of the effects seen in the subchronic neurotoxicity study were reproduced in the combined chronic and carcinogenicity study with increased severity and at lower dose level. In addition, consistent adverse effects were found in the lung (aggregate alveolar marcophages and cholesterol cleft) and liver (centrilobular hepatocellular vacuolation and periportal hepatocellular vacuolation). These adverse effects were present at a dose as low as 9 mg/kg/day in the carcinogenicity study.

Fluxametamide is classified as having ''suggestive evidence of carcinogenic potential'' based on thyroid tumors in male rats and liver tumors in male mice. The reasons for this classification are (1) both tumor types are driven by adenomas, (2) these increased tumor incidences are seen at the highest doses tested (877 mg/kg/day for male mice and 899 mg/kg/day for male rats); these doses are approaching the limit dose (1000 mg/kg/day) for a carcinogenicity study, (3) there is no hyperplasia of the liver in either male or female mice, (4) no increase in treatment-related tumors has been observed in female mice or female rats, and (5) no genotoxicity is observed in the required battery of mutagenic studies. Due to the lack of genotoxicity and the fact that the tumors are seen only at doses more than 100-fold above the chronic reference dose, EPA has determined that a non-linear approach relying on the chronic reference dose (RfD) will adequately account for all chronic toxicity, including carcinogenicity, that could result from exposure to fluxametamide.

The *in-utero* and perinatal treatment with fluxametamide in rats resulted in toxicity and increased quantitative susceptibility in developing animals. In the 2-generation reproduction study, fluxametamide produced no parental effect at the highest dose tested (19 mg/kg/day), while at the same dose level produced offspring effect which consisted of the observation that the pups had distended abdomens and affected pups had to be sacrificed for humane reason. The dermal toxicity study did not show systemic toxicity at the limit dose (1000 mg/kg/day).

Specific information on the studies received and the nature of the adverse effects caused by fluxametamide, as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies, can be found at *http://www.regulations.gov* in document titled ''Fluxametamide: Human Health Risk Assessment to Support the Establishment of a Tolerance without U.S. Registration in/on Tea. First Food Use'' hereinafter ''Fluxametamide Human Health Risk Assessment'' at pages 16–22 in docket ID number EPA–HQ–OPP–2019–0492.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation

of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticide.*

A summary of the toxicological endpoints for fluxametamide used for human risk assessment can be found in the Fluxametamide Human Health Risk Assessment.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to fluxametamide, EPA considered exposure under the petitioned-for tolerances. EPA assessed dietary exposures from fluxametamide in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for fluxametamide; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used 2003–2008 food consumption data from the United States Department of Agriculture's (USDA) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA assumed tolerance-level residues of fluxametamide on tea and 100% crop treated.

iii. *Cancer.* EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. Based on the data summarized in Unit III.A., EPA has concluded that a nonlinear RfD approach will adequately account for all chronic toxicity, including carcinogenicity, that could result from exposure to fluxametimide. A separate cancer dietary exposure and risk assessment is not required. Cancer risk was assessed using the same exposure estimates as discussed in Unit III.C.1.ii., *chronic exposure.*

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for fluxametamide. Tolerance level residues and/or 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* EPA assumes that there is no exposure through drinking water because fluxametamide is not registered for use in the United States. Because residues are not expected in drinking water, dietary risk estimates include exposures from food only.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Fluxametamide is not being proposed to be registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to fluxametamide and any other substances and fluxametamide does not appear to produce a toxic metabolite produced by other substances. For the purposes of this action, therefore, EPA has not assumed that fluxametamide has a common mechanism of toxicity with other substances.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is an increase in quantitative susceptibility in two-generation reproductive toxicity study in rats. In this study, parental animals showed no adverse effects at 19 mg/kg/day (highest dose tested, HDT), whereas some pups had to be euthanized due to distended abdomen at the same dose. However, the concern is low because there was a clear NOAEL for the offspring effect (6 mg/kg/day) and the POD selected for chronic dietary exposure assessment (1 mg/kg/day) is protective of the offspring effects seen in the reproductive toxicity study.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for fluxametamide is complete.

ii. There is no indication that fluxametamide is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is evidence of an increase in quantitative susceptibility in the 2-generation reproductive toxicity study in rats. In this study, parental animals showed no adverse effects at 19 mg/kg/day highest dose tested, (HDT), whereas some pups had to be euthanized due to distended abdomen at the same dose. However, the concern is low because there was a clear NOAEL for the offspring effect (6 mg/kg/day) and the POD selected for chronic dietary exposure assessment (1 mg/kg/day) is protective of the offspring effects seen in the reproductive toxicity study. The selected points of departure for risk assessment are protective of the quantitative increase in susceptibility seen in the rat reproductive toxicity study, for which a clear NOAEL and LOAEL are established.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. These

assessments will not underestimate the exposure and risks posed by fluxametamide.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, fluxametamide is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to fluxametamide from food only will utilize less than 1% of the cPAD for all population subgroups. There are no residential uses for fluxametamide.

3. *Short-and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account short- and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because fluxametamide is not registered in the United States, the only exposures will be dietary, from residues in or on imported tea; therefore, no short-term or intermediate-term residential exposure is expected. Because there is no short- or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk), no further assessment of short- or intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short- and intermediate-term risk for fluxametamide.

4. *Aggregate cancer risk for U.S. population.* As stated in Unit III.A., EPA has concluded that the chronic reference dose (RfD) will adequately account for all repeated exposure/chronic toxicity, including carcinogenicity, which could result from exposure to fluxametamide. Based on the lack of chronic risk at regulated levels of exposure, EPA concludes that exposure to fluxametamide will not pose an aggregate cancer risk.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to fluxametamide residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (high-performance liquid chromatography method with tandem mass spectrometry detection (LC/MS/MS), Method NCI–2012–101/NCI–2013–017) is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established an MRL for fluxametamide.

C. Revisions to Petitioned-For Tolerances

The petition requested a tolerance for residues of fluxametamide in or on tea. Since dried tea is the commodity that enters commerce, EPA is establishing the tolerance for the processed commodity tea, dried rather than tea, plucked leaves. EPA is also establishing a tolerance for tea, instant, which is another processed commodity of tea, plucked leaves, and EPA has determined that the same tolerance of 5 ppm is appropriate for instant tea.

V. Conclusion

Therefore, tolerances are established for residues of fluxametamide, including its metabolites and degradates, in or on tea, dried at 5 ppm and tea, instant at 5 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of

power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 19, 2021.

Edward Messina,

Acting Director, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.715 to subpart C to read as follows:

§ 180.715 Fluxametamide; tolerances for residues.

(a) *General.* Tolerances are established for residues of the insecticide fluxametamide, including its metabolites and degradates, in or on the commodities to Table 1 of this section. Compliance with the tolerance levels specified in Table 1 is to be determined by measuring only residues of fluxametamide, 4-[5-(3,5-dichlorophenyl)-4,5-dihydro-5-(trifluoromethyl)-3-isoxazolyl]-*N*-[(methoxyamino)methylene]-2-methylbenzamide in or on the commodities:

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
Tea, dried	5
Tea, instant	5

(b)–(d) [Reserved]

[FR Doc. 2021–03179 Filed 2–16–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2020–0064; FRL–10018–70]

Emamectin Benzoate; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of emamectin benzoate in or on tea commodities. Syngenta Crop Protection, LLC requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 17, 2021. Objections and requests for hearings must be received on or before April 19, 2021, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2020–0064, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.* Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2020–0064 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be

received by the Hearing Clerk on or before April 19, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2020–0064, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of April 15, 2020 (85 FR 20910) (FRL–10006–54), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9F8810) by Syngenta Crop Protection, LLC, 410 Swing Road, Greensboro, NC 27409. The petition requested that 40 CFR 180.505 be amended by establishing a tolerance for residues of the insecticide emamectin benzoate (a mixture of a minimum of 90% 4′-epi-methylamino-4′-deoxyavermectin B1a and a maximum of 10% 4′-epi-methlyamino-4′deoxyavermectin B1b benzoate), and its metabolites 8,9 isomer of the B1a and B1b in or on tea leaves at 0.2 parts per million (ppm). That document referenced a summary of the petition prepared by Syngenta Crop Protection, LLC, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA is establishing tolerances that vary from what is requested. The reason for these changes is explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for emamectin benzoate including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with emamectin benzoate follows.

In an effort to streamline **Federal Register** publications, EPA is not reprinting here summaries of its analysis that have previously appeared in the **Federal Register** in previous tolerance rulemakings for the same pesticide. To that end, this rulemaking refers the reader to several sections from the August 27, 2019 tolerance rulemaking for residues of emamectin benzoate that remain unchanged for an understanding of the Agency's rationale in support of this rulemaking. See (84 FR 44718) (FRL–9997–10). Those sections are: Units III.A (Toxicological Profile); III.B. (Toxicological Points of Departure/Levels of Concern); III.C. (Exposure Assessment), except as explained in the next paragraphs; III.D. (Safety Factor for Infants and Children); and IV.A (Analytical Enforcement Method).

Exposure assessment updates. EPA's exposure assessments have been updated to include the additional exposure from residues of emamectin benzoate in or on tea commodities. The assessments continue to be refined as described in the August 27, 2019 tolerance rule preamble. The residues of emamectin benzoate on tea commodities is not being approved for domestic use, so no changes were made to EPA's drinking water assessment or residential exposure assessment.

Assessment of aggregate risks. EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists. For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure.

Acute dietary risks are below the Agency's level of concern: 26% of the acute population adjusted dose (aPAD) for children 1 to 2 years old, the population group of concern. Chronic dietary risks are below the Agency's level of concern: 3.4% of the chronic population adjusted dose (cPAD) for children 1 to 2 years old, the group with the highest exposure. As there are no residential exposures expected, aggregate risks are equivalent to the dietary risks, which are below the Agency's levels of concern. Based on the most recent screening-level cumulative exposure assessment, EPA has concluded the cumulative aggregate dietary and residential exposures for emamectin benzoate result in aggregate margins of exposures above the level of concern of 100 for all scenarios assessed and are not of concern.

Determination of safety. Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population or to infants and children from aggregate exposure to emamectin benzoate residues. More detailed information on the subject action to establish a tolerance in or on tea commodities can be found in the document entitled, ''Emamectin (Emamectin Benzoate). Human Health Risk Assessment in Support of Establishing Tolerances without a U.S. Registration for Residues of Emamectin in/on Tea Commodities'' by going to *http://www.regulations.gov.* The referenced document is available in the docket established by this action, which

is described under **ADDRESSES**. Locate and click on the hyperlink for docket ID number EPA–HQ–OPP–2020–0064.

IV. Other Considerations

A. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for emamectin benzoate.

B. Revisions to Petitioned-For Tolerances

The tolerance on tea commodities is being set at 0.5 ppm instead of the proposed level at 0.2 ppm in order to harmonize with the Japanese MRL. For the proposed tolerance on tea, the commodity definition was revised to include the standard commodities of ''tea, dried'' and ''tea, instant.''

V. Conclusion

Therefore, tolerances are established for residues of emamectin benzoate (a mixture of a minimum of 90% 4′-epi-methylamino-4′-deoxyavermectin B1a and a maximum of 10% 4′-epi-methlyamino-4′deoxyavermectin B1b benzoate) and its metabolites in or on tea, dried and tea, instant at 0.5 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 26, 2021.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.505, amend paragraph (a)(1) by designating the table and adding in alphabetical order in newly designated table 1 to paragraph (a)(1) the entries ''Tea, dried''; and ''Tea, instant'' to read as follows:

§ 180.505 Emamectin; tolerances for residues.

(a) * * *

(1) * * *

TABLE 1 TO PARAGRAPH (a)(1)

Commodity	Parts per million
* * * * *	
Tea, dried [1]	0.5
Tea, instant [1]	0.5
* * * * *	

[1] Emamectin benzoate has not been registered for use in the United States as of February 17, 2021.

* * * * *

[FR Doc. 2021–03174 Filed 2–16–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2019–0580; FRL–10018–53]

Orthosulfamuron; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of orthosulfamuron (1-(4,6-dimethoxypyrimidin-2-yl)-3-{[2-(dimethylcarbamoyl)phenyl] csulfamoyl}urea) in or on Almond, hulls; Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F; Nut, tree, group 14–12. Nichino America, Inc. requested tolerances for these commodities under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 17, 2021. Objections and requests for hearings must be received on or before April 19, 2021, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0580, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2019–0580 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before April 19, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2019–0580, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of March 3, 2020 (85 FR 12454) (FRL–10005–58), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9F8776) by Nichino America, Inc., 4550 Linden Hill Road, Suite 501, Wilmington, DE 19808. The petition requested that 40 CFR 180.625 be amended by establishing tolerances for residues of the herbicide orthosulfamuron in or on almond hulls at 0.03 parts per million (ppm), small fruit vine climbing subgroup, except fuzzy kiwifruit (crop subgroup 13–07F) at 0.01 ppm, and tree nuts (crop group 14–12) at 0.01 ppm. That document referenced a summary of the petition prepared by Nichino America, Inc., the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing. Based upon review of the data supporting the petition, EPA has corrected the commodity definitions to reflect current Agency terminology.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of the FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include

occupational exposure. Section 408(b)(2)(C) of the FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for orthosulfamuron including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with orthosulfamuron follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Orthosulfamuron is included in a group of herbicides referred to as sulfonylureas that control weeds through inhibition of the enzyme acetolactate synthase (ALS). The toxicological database for orthosulfamuron is complete and no additional data are required. Orthosulfamuron showed low acute toxicity by all routes and no dermal irritation or sensitization (Category IV) and was a mild eye irritant (Category III). The major target organs of orthosulfamuron are the liver, kidneys and thyroid gland, with effects generally observed at high doses following chronic oral exposure. No evidence of pre- and/or post-natal quantitative or qualitative susceptibility was observed, and the database overall did not show evidence of neurotoxicity.

Thyroid follicular cell tumors were observed at high doses in only one sex and one species, and there was no evidence of genotoxicity. Therefore, in accordance with the EPA Final *Guidelines for Carcinogen Risk Assessment* (March 2005), orthosulfamuron is classified as ''Suggestive Evidence of Carcinogenicity.''

Specific information on the studies received and the nature of the adverse effects caused by orthosulfamuron as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document ''*Orthosulfamuron. Human Health Risk Assessment for Proposed New Uses on Small Fruit Vine Climbing Subgroup, Except Fuzzy Kiwifruit (13–07F), Tree Nuts (14–12), Non-Bearing Citrus Fruit (10–10), and Non-Bearing Stone Fruit (12–12)*'' (hereinafter ''Orthosulfamuron Human Health Risk Assessment'') on page numbers 25–35 in docket ID number EPA–HQ–OPP–2019–0580.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for orthosulfamuron used for human risk assessment can be found on page 13 in the Orthosulfamuron Human Health Risk Assessment.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to orthosulfamuron, EPA considered exposure under the petitioned-for tolerances as well as all existing orthosulfamuron tolerances in 40 CFR 180.625. EPA assessed dietary exposures from orthosulfamuron in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

No such effects were identified in the toxicological studies for orthosulfamuron; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment, EPA used 2003–2008 food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, *What We Eat in America* (NHANES/WWEIA). As to residue levels in food, EPA assumed tolerance-level residues and 100 percent crop treated (PCT).

iii. *Cancer.* EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. Cancer risk is quantified using a linear or nonlinear approach. Based on the available data for orthosulfamuron, which is summarized in Unit III.A., EPA has concluded that a nonlinear approach is appropriate for assessing cancer risk to orthosulfamuron. The chronic dietary reference dose (cRfD) is significantly lower than the dose that caused thyroid tumors in male rats, and therefore is protective of potential carcinogenicity. Cancer risk was assessed using the same exposure estimates as discussed in Unit III.C.1.ii., *chronic exposure.*

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue or PCT information in the dietary assessment for orthosulfamuron. Tolerance-level residues and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for orthosulfamuron in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of orthosulfamuron. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Screening groundwater-sourced drinking water exposure estimates were

generated with the Pesticide Root Zone Model for GroundWater (PRZM–GW, version 1.07) for use in sulfonylurea dietary risk assessments. Rather than using chemical-specific estimated drinking water concentrations (EDWCs) following the usual assessment procedures, these coarse-screen estimates should exceed upper-bound, chemical-specific EDWCs for any sulfonylurea (SU). This was achieved by using model inputs that represent the use pattern of highest exposure from any SU, the highest soil mobility of any SU residue of concern, and the highest persistence to any route of degradation over time. The resulting coarse-screen EDWC from PRZM–GW was used as the conservative estimate of exposure. The chronic dietary assessment for orthosulfamuron used the coarse-screen maximum daily concentration of 0.751 ppm.

3. *Non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Orthosulfamuron is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of the FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

The Agency has assessed orthosulfamuron, and its chemical class, sulfonylureas, and determined that the SUs do not share a common mechanism of toxicity (EPA–HQ–OPP–2011–04538–0024). The SUs share a core chemical structure with varying degrees of structural similarity based on individual substituents on either side of the molecule. In addition, the SUs share a pesticidal mode of action (MOA) (inhibition of acetolactate synthase (ALS)), although the function of ALS in humans is unknown and the relevance of this MOA in humans in unclear. Based on toxicity studies, the SUs do not share a common toxicological profile; instead the target organs vary among the class and are often non-specific, such as changes in body weight or general effects on the liver. Further dividing the SUs into subclasses based on the urea substituent did not result in a clear association of a target organ with any particular substructure.

Based on the weight of the evidence, which includes the lack of a common toxicological profile, the uncertainty in the human relevance of ALS inhibition, and the lack of mammalian MOA data, a testable hypothesis for a common mechanism of action cannot be identified. Therefore, the Agency concludes that no common mechanism of toxicity exists among these pesticides and a cumulative risk assessment approach is not appropriate for this class of pesticides.

D. Safety Factor for Infants and Children

Section 408(b)(2)(C) of the FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1x. The rationale for that decision remains the same as in the February 28, 2007 final rule establishing tolerances for a use on rice. See 72 FR 8928 (FRL–8113–4) for the full rationale in Unit III.D.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, orthosulfamuron is not expected to pose an acute risk.

2. *Chronic risk:* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to orthosulfamuron from food and water will utilize 81% of the cPAD for all infants less than 1 year old, the population group receiving the greatest exposure. There are no residential uses for orthosulfamuron.

3. *Short-term and intermediate-term risk.* Short-term and intermediate-term aggregate exposure takes into account short-term or intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Short-term and intermediate-term adverse effects were identified in the toxicity database (*e.g.,* kidney and liver effects); however, orthosulfamuron is not registered for any use patterns that would result in short-term or intermediate-term residential exposure. Short-term risk is assessed based on short-term residential exposure plus chronic dietary exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no short-term or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term or intermediate-term risk), no further assessment of short-term or intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short-term and intermediate-term risk for orthosulfamuron.

4. *Aggregate cancer risk for U.S. population.* As stated in Unit III.C.1.iii, EPA has concluded that the chronic reference dose (RfD) will adequately account for all repeated exposure/chronic toxicity, including carcinogenicity, which could result from exposure to orthosulfamuron. As there is no chronic risk of concern, EPA concludes that exposure to orthosulfamuron will not pose an aggregate cancer risk.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to orthosulfamuron residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology utilizing high-performance liquid chromatography with tandem mass spectrometric detection (LC/MS/MS) is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). Codex is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. Although EPA may establish a tolerance that is different from a Codex MRL, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established an MRL for orthosulfamuron in any commodity.

V. Conclusion

Therefore, tolerances are established for residues of orthosulfamuron in or on Almond, hulls at 0.03 ppm; Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 0.01 ppm; and Nut, tree, group 14–12 at 0.01 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under the FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of the FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 4, 2021.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.625,

■ a. Revise paragraph (a) introductory text;

■ b. Designate the table in paragraph (a) and add alphabetically the commodities ''Almond, hulls''; ''Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F''; and ''Nut, tree, group 14–12''.

The revision and additions read as follows:

§ 180.625 Orthosulfamuron; tolerances for residues.

(a) *General.* Tolerances are established for residues of the herbicide orthosulfamuron, including its metabolites and degradates, in or on the commodities in the table, below. Compliance with the tolerance levels specified in the following table is to be determined by measuring only orthosulfamuron, 1-(4,6-dimethoxypyrimidin-2-yl)-3-{[2-(dimethylcarbamoyl)phenyl] sulfamoyl}urea, in or on the following commodities:

TABLE TO PARAGRAPH (a)

Commodity	Parts per million
Almond, hulls	0.03
Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F	0.01
Nut, tree, group 14–12	0.01
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[FR Doc. 2021–03181 Filed 2–16–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[EPA–R09–OW–2020–0188; FRL–10016–87–Region 9]

Ocean Dumping: Modification of an Ocean Dredged Material Disposal Site Offshore of Humboldt Bay, California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is permanently modifying the boundaries of the existing EPA-designated Humboldt Open Ocean Disposal Site (referred to hereafter as HOODS) offshore of Humboldt Bay, California, pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act, as amended (MPRSA). The primary purpose for the site modification is to enlarge the site to serve the long-term need for disposal of permitted, suitable material dredged from Humboldt Harbor and vicinity, in order to provide for continued safe navigation in the vicinity of Humboldt Bay. The modified site will be subject to monitoring and management to ensure continued protection of the marine environment.

DATES: Effective March 19, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OW–2020–0188. All documents in the docket are listed on the *https://www.regulations.gov* website, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Brian Ross, U.S. Environmental Protection Agency Region 9, Water Division, Dredging & Sediment Management Team, 75 Hawthorne Street, San Francisco, California 94105; phone number (415) 972–3475; email: *ross.brian@epa.gov.*

SUPPLEMENTARY INFORMATION: The supporting document for this site modification action is the Final Evaluation and Environmental Assessment for Expansion of the Existing Humboldt Open Ocean Disposal Site (HOODS) Offshore of Eureka, California (Final EA). This document and its appendices are available via the EPA website *https://www.epa.gov/ocean-dumping/humboldt-open-ocean-disposal-site-hoods-documents.*

I. Potentially Affected Persons

Persons potentially affected by this action include those who seek or might seek permits or approval to dispose of dredged material into ocean waters pursuant to the MPRSA, 33 U.S.C. 1401 to 1445. The EPA's action would be relevant to persons, including organizations and government bodies seeking to dispose of dredged material in ocean waters offshore of Humboldt Bay, California. Currently, the U.S. Army Corps of Engineers (USACE) would be most affected by this action. Potentially affected categories and persons include:

Category	Examples of potentially regulated persons
Federal Government	USACE Civil Works projects, and other Federal agencies.
Industry and general public	Port authorities, marinas and harbors, shipyards and marine repair facilities, berth owners.
State, local and tribal governments	Governments owning and/or responsible for ports, harbors, and/or berths, government agencies requiring disposal of dredged material associated with public works projects.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding persons likely to be affected by this action. For any questions regarding the applicability of this action to a particular entity, please refer to the contact person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

II. Background

a. History of Ocean Disposal Offshore Humboldt Bay, California

HOODS is the only designated ocean dredged material disposal site (ODMDS) off the coast of Humboldt Bay, California. The original HOODS was located three to four nautical miles (nmi) offshore Humboldt Bay, and was one square nautical mile (nmi^2) in size. HOODS originally received final designation by the EPA in 1995. Since that time an average of one million cubic yards (cy) of dredged material has been disposed at HOODS each year. The great majority of this material has been sand dredged by USACE from the Humboldt Harbor entrance channel. The dredged sand that has been disposed at HOODS has mounded to the point where the site is now effectively reaching full capacity. The USACE San Francisco District and EPA Region 9 have identified a need to increase the capacity of HOODS so that ongoing dredging can continue to provide for safe navigation in and around Humboldt Bay. The need for increasing ocean disposal capacity at HOODS is based on historical dredging volumes, estimates of future dredging needs, and currently limited availability of alternatives to ocean disposal in the area.

The EPA is modifying the existing HOODS boundaries rather than designating a new ocean disposal site off the coast of Humboldt Bay. Monitoring studies at HOODS have confirmed that there have been no significant adverse environmental consequences of disposal in this area, and that there are no unique or limited habitats, features, or uses of the ocean that would be affected by expanding the site. Note that modifying the existing HOODS boundary does not by itself mean that dredged material from any specific project will necessarily be approved to be disposed at the site. Before any person can ocean dump dredged material at HOODS, the EPA and the USACE must evaluate the project according to the ocean dumping regulatory criteria (40 CFR 227) and the USACE must authorize the disposal under section 103 of the MPRSA. 33 U.S.C. 1413(b). The USACE relies on the EPA's ocean dumping criteria when evaluating permit requests for (and implementing federal projects involving) the transportation of dredged material for the purpose of dumping it into ocean waters. MPRSA permits and federal approvals for projects involving ocean dumping of dredged material are subject to the EPA's review and concurrence in accordance with 33 U.S.C. 1413(c). The EPA may concur with or without conditions or decline to concur (*i.e.,* non-concur) on the permit or federal project authorization. If the EPA concurs with conditions, the final permit or authorization must include those conditions. If the EPA declines to concur, the USACE cannot issue the permit for ocean dumping of dredged material or authorize the transportation to and disposal of dredged material in

the ocean associated with the federal project.

The draft Environmental Assessment (EA) supporting this action, along with other publicly available docket materials, was made available for public review at *www.regulations.gov,* and also on the EPA Region 9 web page: *https://www.epa.gov/ocean-dumping/humboldt-open-ocean-disposal-site-hoods-documents.* EPA received comments from a total of four entities. Comments received, and EPA's responses, are summarized below.

b. Location and Configuration of the Modified HOODS

This action is the modification (by expansion) of the original HOODS. The modified boundaries expand the original HOODS from one nmi² to four nmi² in size. The modified HOODS is in approximately −150 to −210 feet of water (−45 to −64 meters). The location of the modified site is defined by the coordinates listed below. These new boundaries supersede and replace the original boundaries of HOODS. The coordinates for the expanded site are in North American Datum 83 (NAD 83):

Modified HOODS Coordinates (NAD 83)

(A) 40°50.300′ N, 124°018.017′ W
(B) 40°49.267′ N, 124°15.767′ W
(C) 40°47.550′ N, 124°17.083′ W
(D) 40°48.567′ N, 124°19.300′ W

The modification of the HOODS boundary will allow the EPA to adaptively manage the site to maximize its capacity, manage mounding and loss of fine sediments outside of the site, and minimize the potential for any long-term adverse effects to the marine environment.

c. Management and Monitoring of the Site

The modified HOODS is expected to continue to receive suitable dredged material from the Federal navigation project at Humboldt Harbor, California, and suitable dredged material from other local and regional dredging applicants who obtain an MPRSA permit for the disposal of dredged material at the site. Under the Ocean Dumping regulations (40 CFR 228.3(b)), EPA is responsible for the management of all ocean disposal sites designated under the MPRSA. Management of the ocean disposal sites consists of regulating the times, quantity and characteristics of the material dumped at the site; establishing disposal controls, conditions and requirements to avoid and minimize potential impacts to the marine environment; and monitoring the site and surrounding environment to verify that unanticipated or significant adverse effects are not occurring from past or continued use of the ocean disposal site and that terms of the MPRSA permit are met. All persons using HOODS will be required to follow any project-specific permit conditions, as well as provisions of the updated Site Management and Monitoring Plan (SMMP) for the modified site as identified or incorporated into a permit or Federal project approval. The updated SMMP is available as an appendix to the Final EA, and separately at *https://www.epa.gov/ocean-dumping/humboldt-open-ocean-disposal-site-hoods-documents.* It includes management and monitoring considerations to ensure that disposal activities will not unreasonably degrade or endanger the marine environment, human health, welfare, or economic potentialities. The updated SMMP for the modified HOODS also includes management conditions to ensure adverse mounding does not occur at the site, and that the minimum area of the modified site is affected by disposal in any year.

d. MPRSA Criteria

In evaluating the modified HOODS, the EPA assessed the site according to the criteria of the MPRSA, with emphasis on the general and specific regulatory criteria of 40 CFR part 228, to determine whether the site modification action satisfies those criteria. The Final EA provides a detailed evaluation of the criteria and other related factors for the modification of HOODS.

General Criteria (40 CFR 228.5)

(a) Sites must be selected to minimize interference with other activities in the marine environment, particularly avoiding areas of existing fisheries or shellfisheries, and regions of heavy commercial or recreational navigation. (40 CFR 228.5(a)).

The original 1995 site designation identified the HOODS location as having the least potential for adverse impacts to important fish and shellfish resources (particularly including smelt, flatfish, and decapods which are all most abundant in waters shallower than 50 m in the area, closer to shore). In addition, as part of development of the Final EA supporting this action, the EPA completed informal consultation with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS), and confirmed that ongoing use of the modified HOODS would continue to avoid adverse effects on existing fisheries, shellfisheries, or habitats of concern. In addition, expansion of HOODS will ensure that mounding of disposed sand does not occur to the extent that the wave climate near the Humboldt entrance channel is altered and adversely affects navigation conditions. This action therefore satisfies this MPRSA criterion.

(b) Sites must be situated such that temporary perturbations to water quality or other environmental conditions during initial mixing caused by disposal operations would be reduced to normal ambient levels or undetectable contaminant concentrations or effects before reaching any beach, shoreline, marine sanctuary, or known geographically limited fishery or shellfishery. (40 CFR 228.5(b)).

The HOODS modification area will be used for disposal of suitable dredged material as determined by Section 102 of the MPRSA, 33 U.S.C. 1412, and the Ocean Dumping Criteria published at 40 CFR 220–228. Based on the USACE and EPA dredged material testing and evaluation procedures, disposal of dredged maintenance material and proposed new work material is not expected to have any significant impact on water quality. The existing and modified HOODS boundaries are located sufficiently far from shore and fisheries resources to allow temporary water quality disturbances caused by disposal of dredged material to be reduced to ambient conditions before reaching any environmentally sensitive areas.

(c) The sizes of disposal sites will be limited in order to localize for identification and control any immediate adverse impacts, and to permit the implementation of effective monitoring and surveillance to prevent adverse long-range impacts. Size, configuration, and location are to be determined as part of the disposal site evaluation. (40 CFR 228.5(d)).

The location, size, and configuration of the modified HOODS boundaries provide long-term capacity, while also permitting effective site management, site monitoring, and limiting environmental impacts to the surrounding area to the greatest extent practicable.

The Final EA supporting this action considered two alternatives for modifying HOODS: Expansion by 0.5 nmi to the north and west; and expansion by 1.0 nmi to the north and west (the selected action). Under the selected action, the effective total capacity of the site increases from the original 25 million cy to over 100 million cy (*i.e.,* allowing for 75 million cy of additional disposal to occur), before mounding to −130 feet could again occur across the entire site. If

today's disposal practices were to continue unchanged (*i.e.,* if an average of 1 million cy of entrance channel sand per year were to continue being disposed of at HOODS indefinitely), the site would reach capacity again in about 75 years. In contrast, the smaller expansion alternative would provide effective capacity for about 30 years of disposal. This smaller footprint would also limit on-site management options compared to the selected action.

When determining the size of the modified site, the ability to implement effective monitoring and surveillance programs was considered to ensure that the environment of the site could be protected, and that navigational safety would not be compromised by the mounding of dredged material. The EPA and USACE have demonstrated that the modified HOODS area is feasible to manage and monitor, as shown by successful surveys in 2008 and 2014. The updated SMMP (Appendix D of the Final EA) describes the future monitoring and management activities that the EPA and USACE will implement to confirm that disposal at the site is not significantly affecting adjacent areas.

(d) EPA will, wherever feasible, designate ocean dumping sites beyond the edge of the continental shelf and other such sites where historical disposal has occurred. (40 CFR 228.5(e)).

The continental shelf break is approximately 10 nmi offshore at Eureka, California. The Zone of Siting Feasibility (ZSF) analysis prepared by USACE in support of the original (1995) HOODS designation determined that an economically practicable ocean disposal site serving Humboldt Harbor could not be located off the continental shelf, but rather would have to be within approximately 4 nmi from the ends of the entrance channel jetties. The original HOODS boundary is 2.5 to 3.7 nmi from these jetties. The modified HOODS boundary will extend from 3 nmi to 5 nmi from the jetties, largely encompassing and superseding the original boundary. While portions of the modified site are slightly beyond the original ZSF threshold of 4 nmi, the expansion area remains as close to the entrance channel as practicable while allowing capacity for future disposal needs without creating potentially unsafe mounding. Also, the modified HOODS will occur immediately adjacent to where disposal of virtually identical dredged material has occurred for the past 25 years. This allows the least area to be disturbed overall from ongoing and future disposal activity.

Specific Criteria (40 CFR 228.6)

(1) Geographical Position, Depth of Water, Bottom Topography and Distance from Coast. (40 CFR 228.6(a)(1)).

The modified HOODS is on the continental shelf three to five nmi offshore of Eureka, California, in water depths of approximately 150 to 210 feet (45 to 64 m). The seafloor in this area is comprised of a gently sloping, essentially featureless sedimentary plain that grades evenly from fine sand in shallower depths to silts in deeper areas. The EA contains a map of the modified HOODS boundaries.

(2) Location in Relation to Breeding, Spawning, Nursery, Feeding, or Passage Areas of Living Resources in Adult or Juvenile Phases. (40 CFR 228.6(a)(2)).

The HOODS area provides feeding and breeding areas for common resident benthic organisms, fish, marine mammal, turtle, and seabird species. However, the modified HOODS boundaries have been selected to avoid the presence of any unique or limited breeding, spawning, nursery, feeding, or passage areas for adult or juvenile phases of living resources and modification of the site is not expected to affect any geographically limited (*i.e.,* unique) resources or habitats. Informal Endangered Species Act (ESA) consultation with USFWS, and both ESA and Essential Fish Habitat (EFH) consultations with NMFS, confirmed that ongoing disposal operations in the modified HOODS will not have significant impacts to sensitive living resources or their habitats.

(3) Location in Relation to Beaches and Other Amenity Areas. (40 CFR 228.6(a)(3)).

The modified HOODS boundaries begin at approximately three nmi offshore and the square site extends two nmi further offshore. The site is therefore well removed from beaches or amenity areas, and currents in the area are not expected to transport material disposed at HOODS toward shore. No significant impacts to beaches or amenity areas associated with use of the existing HOODS have been detected.

(4) Types and Quantities of Wastes Proposed to be Disposed of, and Proposed Methods of Release, including Methods of Packing the Waste, if any. (40 CFR 228.6(a)(4)).

Only suitable dredged material that meets the Ocean Dumping Criteria in 40 CFR 220–228 and receives a permit or is otherwise authorized for dumping by the USACE, and concurred with by EPA, will be disposed in the modified HOODS. Dredged materials dumped in this area will be primarily sand with some fines, and most will originate from Humboldt Harbor. Average yearly disposal of dredged material is expected to continue to be approximately 1,000,000 cubic yards, primarily by government owned or contracted hopper dredges. None of the material is packaged in any manner. If a Nearshore Sand Placement Site (NSPS) is established nearby in the future, the volume of sand disposed at HOODS could substantially decrease.

(5) Feasibility of Surveillance and Monitoring. (40 CFR 228.6(a)(5)).

The EPA expects monitoring and surveillance at the modified HOODS to continue to be feasible and readily performed from ocean or regional class research vessels. The area of the modified HOODS has been successfully surveyed and sampled in 2008 and 2014. The EPA and USACE will continue to periodically monitor the site for physical, biological and chemical attributes, as described in the draft SMMP for the proposed modified site.

(6) Dispersal, Horizontal Transport and Vertical Mixing Characteristics of the Area, including Prevailing Current Direction and Velocity, if any. (40 CFR 228.6(a)(6)).

Ocean current monitoring in the vicinity of HOODS has confirmed both up- and down-coast current directions (depending on the season), with near-surface current velocities on the order of 25 cm/sec (0.5 knot), and deeper-water current velocities of 20 cm/sec (0.4 knot) at 45 meters deep and 15 cm/sec (0.3 knot) at the bottom. These current conditions have not adversely affected the ability to successfully and precisely dispose of dredged material permitted or authorized for disposal at HOODS in the past nor are they expected to affect disposal in the future.

(7) Existence and Effects of Current and Previous Discharges and Dumping in the Area (including Cumulative Effects). (40 CFR 228.6(a)(7)).

Previous disposal of dredged material at the existing HOODS has resulted in mounding of sand and burial of benthic organisms within the site but no discernable physical, chemical, or biological effects outside the site. Water quality effects from active disposal are temporary, spatially limited, and return to background levels prior to the next disposal event. Short-term, long-term, and cumulative effects of dredged material disposal in the modified site would be negligible, and similar to those for the existing HOODS.

The only discharge in the vicinity of HOODS is from DG Fairhaven Power LLC's Fairhaven Power Facility on the Samoa Peninsula. Fairhaven Power is permitted to discharge a maximum of

0.35 million gallons per day of powerplant-related process water, cooling tower water, and other wastewater under terms of their current National Pollutant Discharge Elimination System (NPDES) permit No. CA0024571, issued by the State of California's North Coast Water Board. The company discharges through an existing outfall into ocean waters adjacent to the Samoa Peninsula. The NPDES permit prohibits discharging wastewater in violation of effluent standards or prohibitions established under Section 307(a) of the Clean Water Act, and it also prohibits discharging sewage sludge. The outfall is located approximately 3.5 nautical miles (6.5 kilometers) east of the HOODS. Prevailing nearshore currents would direct discharge plumes from this outfall up or down the coast, depending of the seasonal current regime, not offshore towards the HOODS. The EPA believes that there will be no adverse cumulative or synergistic impacts from the use of HOODS and discharges from the outfall described.

(8) Interference with Shipping, Fishing, Recreation, Mineral Extraction, Desalination, Fish and Shellfish Culture, Areas of Special Scientific Importance and Other Legitimate Uses of the Ocean. (40 CFR 228.6(a)(8)).

Minor, short-term interferences with commercial and recreational boat traffic may occur within Humboldt Harbor during dredging operations. However, interference as a result of the transport and disposal of dredged material to HOODS would be even less because disposal vessels move slowly, remain in established navigation channels, and operations are announced via U.S. Coast Guard Notice to Mariners. There may be minor, temporary interferences with recreational fishing in the area during disposal operations, but HOODS is not closed to fishing or other uses. HOODS has not been identified as an area of special scientific importance. There are no aquaculture areas near the site. The likelihood of direct interference with these activities is therefore negligible.

(9) The Existing Water Quality and Ecology of the Sites as Determined by Available Data or Trend Assessment of Baseline Surveys. (40 CFR 228.6(a)(9)).

Water quality at the existing HOODS is typical of waters offshore of the northern California coast. Monitoring conducted in the vicinity of the proposed modified HOODS and experience with past disposals in the existing HOODS have not identified any adverse water quality impacts from ocean disposal of dredged material. Water column plumes associated with disposal events rapidly return to background, before subsequent disposal events occur. The seafloor in this area is comprised of a gently sloping, essentially featureless sedimentary plain that grades evenly from fine sand in shallower depths to silts in deeper areas. The existing HOODS supports benthic and epibenthic fauna characteristic of the region, but there are no unique or limited habitats in the vicinity. No adverse impacts to benthos outside the disposal site have been identified based on comprehensive monitoring.

(10) Potentiality for the Development or Recruitment of Nuisance Species in the Disposal Site. (40 CFR 228.6(a)(10)).

Nuisance species, considered as any undesirable organism not previously existing at a location, have not been observed at, or in the vicinity of, the modified HOODS. Disposal of dredged material, as well as monitoring, has been ongoing for the past 25 years. The dredged material to be disposed at the modified site is expected to be from similar locations to those dredged previously and disposed of at the existing site; therefore, it expected that any benthic organisms transported to the site would be relatively similar in nature to those already present.

(11) Existence at or in Close Proximity to the Site of any Significant Natural or Cultural Feature of Historical Importance. (40 CFR 228.6(a)(11)).

EPA extended government-to-government consultation offers to 10 potentially affected tribes. The Tribal Historic Preservation Offices of three of those (the Wiyot Tribe, the Blue Lake Rancheria, and the Bear River Band of the Rohnerville Rancheria) requested further discussion. Based on those discussions, the tribes determined that the offshore location of the HOODS expansion would not affect their onshore cultural resources of concern.

EPA also evaluated state records and coordinated with the California State Lands Commission concerning historic shipwrecks near HOODS. The EA documents that the nearest recorded shipwreck sites are close to shore and would not be affected by ongoing disposal at HOODS. In addition, USACE conducted a survey for potential shipwrecks near the existing HOODS in 1991 (prior to designation of the existing HOODS). The USACE survey identified three magnetic anomalies that could potentially be associated with unrecorded shipwrecks. None of these anomalies has been buried by the existing HOODS disposal mound. The EPA collected high-resolution multibeam echo sounder data in 2014 at the locations of each magnetic anomaly, and confirmed that no debris, structures, or other material extended above the sediment surface at any of these locations. Because these anomalies do not extend above the surface now, and apparently have not since at least 1991, their exact character remains unknown. Ongoing disposal operations may effectively bury these features further but will not otherwise directly affect them.

III. Environmental Statutory Review

a. National Environmental Policy Act (NEPA)

The EPA's primary voluntary NEPA document for modifying the original HOODS is the Final EA, prepared by the EPA in cooperation with the USACE. The draft EA was issued for public review simultaneously with the proposed rule on May 29, 2020. The Final EA, including all public comments received and EPAs responses to comments, is being published simultaneously with this final rule and is also available separately at *https://www.epa.gov/ocean-dumping/humboldt-open-ocean-disposal-site-hoods-documents.* The Final EA and its Appendices provide the threshold environmental review for modification of HOODS. It discusses in detail the purpose and need for the proposed action and examines alternatives. The EPA determined that there would be no significant adverse impacts of implementing either of the action alternatives evaluated for modifying HOODS.

The following three ocean disposal alternatives were considered in detail in the Final EA.

No Action Alternative

The No Action Alternative is defined as not modifying the size of the original HOODS boundaries. This alternative would not address the need for an adequately sized ocean disposal site to accommodate an annual average of 1,000,000 cy of ongoing and future dredging. Because there is no other currently available disposal site for this material, rapid shoaling of the entrance channel would quickly render navigation unsafe, significantly affecting the economy of the greater Eureka area. Increased wave action in the Harbor entrance would endanger commercial ships as well as fishing and recreational vessels. This situation would discourage shippers from using Humboldt Bay for commerce, because it requires additional vessel trips to accommodate ''light-loaded'' vessels, resulting in increased transportation costs, decreased vessel safety, and maneuvering problems. This would

have a long-term adverse impact on the local economy. In addition, use of the Humboldt Harbor as a port of refuge could be affected. Finally, ship groundings caused by improperly maintained deep-draft channels could result in adverse ecological repercussions (*i.e.,* oil and fuel spills). Although the No Action Alternative would not address the purpose and need for action, it was evaluated as a basis to compare the effects of the other alternatives considered.

Alternative 1: Expansion of HOODS by 1 nmi (Preferred Alternative)

Alternative 1, the Selected Action, is to slightly reorient and expand the existing HOODS boundary by one nmi to the north (upcoast) and one nmi to the west (offshore). Alternative 1 is the Selected Action because it would provide environmentally acceptable disposal capacity for many years, while also affording the most operational flexibility for managing the dredged material in a manner that would further minimize even physical impacts over time. This configuration would result in the total area of the site increasing from one square nmi to four square nmi, and would supersede the original HOODS boundary. The effective total capacity of the site would increase from the original 25 million cy to over 100 million cy (*i.e.,* allowing for 75 million cy of additional disposal to occur), before mounding to −130 feet could again occur across the entire site. If current disposal practices were to continue unchanged (*i.e.,* if 1 million cy of entrance channel sand per year were to continue to be disposed of at HOODS indefinitely), the modified site would reach capacity in about 75 years.

Alternative 2: Expansion of HOODS by ½ nmi

Alternative 2 is the expansion of the existing HOODS boundary by ½ nmi to the north (upcoast) and ½ nmi to the west (offshore). This configuration would result in the total area of the site increasing from 1 square nmi to 2.25 square nmi and would supersede the original HOODS boundary. The effective total capacity of the site would increase from the original 25 million cy to approximately 56 million cy (*i.e.,* allowing for approximately 31 million cy of additional disposal to occur), before mounding to −130 feet could again occur across the entire site. If current disposal practices were to continue unchanged (*i.e.,* if 1 million cy per year of entrance channel sand were to continue to be disposed of at HOODS indefinitely), the modified site would reach capacity in about 31 years.

b. Magnuson-Stevens Act

The EPA submitted an EFH assessment to the NMFS, pursuant to Section 305(b), 16 U.S.C. 1855(b)(2), of the Magnuson-Stevens Fishery Conservation and Management Act, as amended, 16 U.S.C. 1801 to 1891. The EPA determined that this action will not significantly affect managed species or EFH. NMFS concurred with the EPA's determination, but included one Conservation Recommendation to further minimize potential impacts. Specifically, NMFS recommended continuing to manage future disposal at HOODS by expanding the mound while leaving other areas of the site undisturbed as long as possible, rather than purposely spreading disposal events throughout the site each year. The updated SMMP discusses how EPA will implement this NMFS Conservation Recommendation.

c. Coastal Zone Management Act

The EPA submitted a Consistency Determination (CD) package to the California Coastal Commission (CCC) on July 20, 2020, following the close of the public comment period on the draft EA and the proposed rule. The CD package specifically addresses how the proposed action to expand HOODS is consistent to the maximum extent practicable with the California Coastal Act Chapter 3 policies. On October 9, 2020, the CCC unanimously concurred with EPA's CD and did not propose any additional measures beyond those already contained in the updated SMMP.

d. Endangered Species Act

The ESA, as amended, 16 U.S.C. 1531 tthrough 1544, requires federal agencies to consult with NMFS and the USFWS to ensure that any action authorized, funded, or carried out by the federal agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of any critical habitat. The EPA completed informal ESA consultations with USFWS and NMFS, and the consultations are included as an Appendix to the EA.

Based on those consultations, the EPA determined that this action will have ''no effect'' on marine mammals, sea turtles and certain seabird species. The EPA further determined that this action ''may affect but is not likely to adversely affect'' anadromous fish (including the SONCC Coho ESU, the CC Chinook Salmon ESU, the NC Steelhead DPS, Eulachon, and sDPS Green Sturgeon), marbled Murrelet, and short-tailed albatross. The Services concurred with these findings and no additional mitigation measures were recommended beyond the avoidance and minimization aspects of the EPA mandatory disposal site use conditions which would apply to every project using HOODS (these conditions are included with the SMMP, and relevant provisions of the SMMP would be identified or incorporated into subsequently issued permits and Federal projects).

e. National Historic Preservation Act

The National Historic Preservation Act (NHPA), 16 U.S.C. 470 through 470a–2, requires federal agencies to consider the effect of their actions on districts, sites, buildings, structures, or objects, included in, or eligible for inclusion in the National Register of Historic Places (NRHP). The depths of the expanded HOODS (approximately 150–210 feet) generally excludes potential habitation or resources related to human settlements in this area. Historic shipwreck remnants do exist in the general vicinity, but none would be affected by ongoing disposal activities within the expanded HOODS boundaries.

IV. Statutory and Executive Order Reviews

This rule modifies the HOODS by replacing the boundaries of the existing site with expanded boundaries, pursuant to Section 102 of the MPRSA, 33 U.S.C 1412. This action complies with applicable executive orders and statutory provisions as follows:

a. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

b. Executive Order 13089: Coral Reef Protection

Executive Order 13089 on Coral Reef Protection directs agencies ''to preserve and protect the biodiversity, health, heritage, and social and economic value of U.S. coral reef ecosystems and the marine environment.'' This E.O. does not apply to this action because there are no coral reef ecosystems in the HOODS area.

c. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction

Act, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b). This site modification does not require persons to obtain, maintain, retain, report, or publicly disclose information to or for a federal agency.

d. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires federal agencies to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of this rule on small entities, small entity is defined as: (1) A small business defined by the Small Business Administration's size regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. The EPA determined that this action will not have a significant economic impact on small entities because the rule will only have the effect of modifying an existing site in order to allow ongoing disposal of dredged material in ocean waters. After considering the economic impacts of this rule, the EPA certifies that this action will not have a significant economic impact on a substantial number of small entities.

e. Unfunded Mandates Reform Act

This action contains no federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1531 through 1538, for State, local, or tribal governments or the private sector. This action imposes no new enforceable duty on any State, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA. This action is also not subject to the requirements of section 203 of the UMRA because it contains no regulatory requirements that might significantly or uniquely affect small government entities. Those entities are already subject to existing permitting requirements for the disposal of dredged material in ocean waters.

f. Executive Order 13132: Federalism

This action does not have federalism implications. It does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government, as specified in Executive Order 13132. Thus, Executive Order 13132 does not apply to this action. In the spirit of Executive Order 13132, and consistent with the EPA policy to promote communications between the EPA and State and local governments, the EPA specifically solicited comments on this action from State and local officials.

g. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 because the modification of the existing HOODS will not have a direct effect on Indian Tribes, on the relationship between the federal government and Indian Tribes, or on the distribution of power and responsibilities between the federal government and Indian Tribes. In addition, the depths of the modified HOODS (approximately 150 to 200 feet) generally exclude potential habitation or resources related to human settlements. Thus, Executive Order 13175 does not apply to this action. Nevertheless, the EPA specifically solicited input from officials of 10 potentially interested tribal governments during both the scoping and public review phases of this action. EPA also extended government-to-government consultation offers to these 10 potentially affected tribes. The Tribal Historic Preservation Offices of three of them (the Wiyot Tribe, the Blue Lake Rancheria, and the Bear River Band of the Rohnerville Rancheria) requested further discussion concerning any potential for effects on cultural resources of concern. Based on those discussions, the tribes determined that the offshore location of the HOODS expansion would not affect onshore cultural resources.

h. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

i. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, ''Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355) because it is not a ''significant regulatory action'' as defined under Executive Order 12866.

j. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, 12(d) (15 U.S.C. 272), directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus bodies. The NTTAA directs the EPA to provide Congress, through Office of Management and Budget, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This action includes environmental monitoring and measurement as described in the updated SMMP. The EPA will not require the use of specific, prescribed analytic methods for monitoring and managing the modified HOODS. The Agency plans to allow the use of any method, whether it constitutes a voluntary consensus standard or not, that meets the monitoring and measurement criteria discussed in the SMMP.

k. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. The

EPA determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. The EPA has assessed the overall protectiveness of modifying the existing HOODS against the criteria established pursuant to the MPRSA to ensure that any adverse impact to the environment will be mitigated to the greatest extent practicable.

V. Response to Comments on the Proposed Rule, EA and SMMP

EPA published the draft EA and the proposed rule for a 30-day public comment period on May 29, 2020, and accepted comments until June 29, 2020. Both the draft EA and proposed rule were available at *www.regulations.gov* (Docket ID No. EPA–R09–OW–2020–0188) and at *https://www.epa.gov/ocean-dumping/humboldt-open-ocean-disposal-site-hoods-documents.*

EPA received feedback from a total of four commenters on the draft EA and proposed rule. Most of the comments did not specify whether they applied to the EA, the proposed rule, or the SMMP; EPA therefore accepted them as applicable to all three documents. The full comments, and EPA's responses, are included in Appendix E to the Final EA and are summarized below. Based on the comments received, only minor, clarifying wording changes have been made to the Final EA, final rule, and updated SMMP.

One citizen commenter supported expanding HOODS, asked how long before expansion might be needed again, hoped that expansion would cause no environmental harm, and recommended that dumping violations should be punished. EPA responded that the site should not need further expansion for approximately 75 years at present disposal rates; that EPA had substantial enforcement authority should violations occur; and that environmental impacts are not expected based on the prior 25 years of site use and the results of recent comprehensive monitoring studies.

One agency commenter pointed out some potential for confusion regarding whether the modified HOODS boundary would completely supersede the original HOODS boundary on future NOAA navigation charts, or whether both old and new boundaries would be shown. The commenter pointed out that if both were shown, confusion could result because small corners of the old boundary would protrude from the (otherwise perfectly square) new boundary. EPA responded that the new boundary would completely supersede the original boundary on future NOAA navigation chart updates.

Another agency commented that it looked forward to receiving EPA's consistency determination for the proposed boundary modification and to working with EPA staff on this submittal. EPA thanked the agency and noted that EPA would not publish the final rule for modifying HOODS until the agency's comments (if any) had been fully considered.

The final agency commenter pointed out a minor typographical error in draft EA Section 4.4.1. This typographical error was corrected.

List of Subjects in 40 CFR Part 228

Environmental protection, Water pollution control.

Authority: This action is issued under the authority of Section 102 of the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. 1401, 1411, 1412.

Dated: February 3, 2021.

Deborah Jordan,

Acting Regional Administrator, EPA Region 9.

For the reasons set out in the preamble, the EPA amends chapter I, title 40 of the Code of Federal Regulations as follows:

PART 228—CRITERIA FOR THE MANAGEMENT OF DISPOSAL SITES FOR OCEAN DUMPING

■ 1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

■ 2. Section 228.15 is amended by revising paragraph (l)(10) to read as follows:

§ 228.15 Dumping sites designated on a final basis.

* * * * *

(l) * * *

(10) Humboldt Open Ocean Disposal Site (HOODS) Ocean Dredged Material Disposal Site—Region IX.

(i) *Location:* The coordinates of the four corners of the square site are: 40°50.300′ North latitude (N) by 124°018.017′ West longitude (W); 40°49.267′ N by 124°15.767′ W; 40°47.550′ N by 124°17.083′ W; and 40°48.567′ N by 124°19.300′ W (North American Datum from 1983). The expanded disposal site boundary defined by these coordinates replaces and supersedes the previous boundary.

(ii) *Size:* 4 square nautical miles (13.4 square kilometers).

(iii) *Depth:* Water depths within the area range between approximately 150 to 210 feet (45 to 64 meters).

(iv) *Use Restricted to Disposal of:* Disposal shall be limited to dredged material determined to be suitable for ocean disposal according to 40 CFR 220–228.

(v) *Period of Use:* Continuing use for 50 years from the effective date of this updated site designation, subject to restrictions and provisions set forth in paragraph (l)(10)(vi) of this section.

(vi) *Restrictions/Provisions:* Disposal at HOODS shall be in accordance with the permit or Federal project approval that incorporates all conditions set forth in the most recent Site Management and Monitoring Plan (SMMP) for the HOODS published by EPA in consultation with USACE, and as may be modified in EPA concurrences for individual projects disposing at HOODS. The SMMP may be periodically revised as necessary; proposed substantive revisions to the SMMP shall be made following opportunity for public review and comment.

* * * * *

[FR Doc. 2021–02731 Filed 2–16–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 281

[EPA–R05–UST–2020–0685; FRL–10020–05–Region 5]

Indiana: Final Approval of State Underground Storage Tank Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Pursuant to the Resource Conservation and Recovery Act (RCRA or Act), the Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the State of Indiana's Underground Storage Tank (UST) program submitted by the State. EPA has determined that these revisions satisfy all requirements needed for program approval. The State's federally-authorized program, as revised pursuant to this action, will remain subject to EPA's inspection and enforcement authorities under sections 9005 and 9006 of RCRA subtitle I and other applicable statutory and regulatory provisions.

DATES: This rule is effective April 19, 2021, unless EPA receives adverse comment by March 19, 2021. If EPA receives adverse comment, it will publish a timely withdrawal in the

Federal Register informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by EPA–R05–UST–2020–0685 by one of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments.

2. *Email: Kamke.Sherry@epa.gov.*

Instructions: Direct your comments to Docket ID No. EPA–R05–UST–2020–0685. EPA's policy is that all comments received will be included in the public docket without change and may be available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov,* or email. The federal *https://www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

EPA encourages electronic submittals, but if you are unable to submit electronically, please reach out to EPA contact person listed in the notice for assistance with additional submission methods.

You can view and copy the documents that form the basis for this action and associated publicly available materials through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Sherry Kamke, Environmental Engineer, Corrective Action Section #3, Remediation Branch (LR–17J), EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–5794, *Kamke.Sherry@epa.gov.* Out of an abundance of caution for members of the public and our staff, EPA's Region 5 office will be closed to the public to reduce the risk of transmitting COVID–19. We encourage the public to submit comments via *https://www.regulations.gov* or via email. Please call or email the contact listed above if you need alternative means to access the material provided in the docket.

SUPPLEMENTARY INFORMATION:

I. Approval of Revisions to Indiana's Underground Storage Tank Program

A. Why are revisions to state programs necessary?

States which have received final approval from EPA under RCRA section 9004(b) of RCRA, 42 U.S.C. 6991c(b), must maintain an underground storage tank program that is equivalent to, consistent with, and no less stringent than the federal underground storage tank program. When EPA makes revisions to the regulations that govern the UST program, states must revise their programs to comply with the updated regulations and submit these revisions to EPA for approval. Most commonly, states must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) part 280. States can also initiate changes on their own to their underground storage tank program and these changes must then be approved by EPA.

B. What decisions has EPA made in this rule?

On October 11, 2018, in accordance with 40 CFR 281.51(a), Indiana submitted a complete program revision application seeking EPA approval for its UST program revisions (State Application). Indiana's revisions correspond to EPA's final rule published on July 15, 2015 (80 FR 41566), which revised the 1988 UST regulations and the 1988 state program approval (SPA) regulations (2015 Federal Revisions). As required by 40 CFR 281.20, the State Application contains the following: A transmittal letter from the Governor requesting approval, a description of the program and operating procedures, a demonstration of the state's procedures to ensure adequate enforcement, a Memorandum of Agreement outlining the roles and responsibilities of EPA and the implementing agency, a statement of certification from the Attorney General, and copies of all relevant state statutes and regulations. We have reviewed the State Application and determined that the revisions to Indiana's UST program are equivalent to, consistent with, and no less stringent than the corresponding federal requirements in subpart C of 40 CFR part 281, and that the Indiana program provides for adequate enforcement of compliance (40 CFR 281.11(b)). Therefore, EPA grants Indiana final approval to operate its UST program with the changes described in the program revision application and as outlined below in Section I.G of this document.

C. What is the effect of this action on the regulated community?

This action does not impose additional requirements on the regulated community because the regulations being approved by this rule are already in effect in the State of Indiana, and are not changed by this action. This action merely approves the existing state regulations as meeting the federal requirements and renders them federally enforceable.

D. Why is EPA using a direct final rule?

EPA is publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and we anticipate no adverse comment. Indiana did not receive any comments during its comment period when the rules and regulations being considered today were proposed at the state level.

E. What happens if EPA receives comments that oppose this action?

Along with this direct final rule, EPA is publishing a separate document in the ''Proposed Rules'' section of this **Federal Register** that serves as the proposal to approve the State's UST program revisions, and provides an opportunity for public comment. If EPA receives comments that oppose this approval, EPA will withdraw this direct final rule by publishing a document in the **Federal Register** before it becomes effective. EPA will base any further decision on approval of the State Application after considering all comments received during the comment period. EPA will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this approval, you must do so at this time.

F. For what has Indiana previously been approved?

On August 11, 2006, EPA finalized a rule approving the UST program that Indiana proposed to administer in lieu of the federal UST program. The State's

program has not previously been codified.

G. What changes are we approving with this action and what standards do we use for review?

In order to be approved, each state program application must meet the general requirements in 40 CFR 281.11, and specific requirements in 40 CFR Subpart B (Components of a Program Application); Subpart C (Criteria for No Less Stringent); and Subpart D (Adequate Enforcement of Compliance). This also is true for proposed revisions to approved state programs.

As more fully described below, the State has made the changes to its approved UST program to reflect the 2015 Federal Revisions. EPA is approving the State's changes because they are equivalent to, consistent with, and no less stringent than the federal UST program and because EPA has confirmed that the Indiana UST program will continue to provide for adequate enforcement of compliance as described in 40 CFR 281.11(b) and part 281, Subpart D after this approval.

The Indiana Department of Environmental Management (IDEM or Department) is the lead implementing agency for the UST program in Indiana, except in Indian country.

IDEM continues to have broad statutory authority to regulate the installation, operation, maintenance, and closure of USTs, as well as UST releases under Indiana Code Title 4 State Offices and Administration, Article 22 Administrative Rules and Procedures, Chapter 2, Adoption of Administrative Rules; and selected provisions from Title 13 Environment, Article 23 Underground Storage Tanks. The Indiana UST Program gets its enforcement authority from the powers of the Department found in IC Sections 4–21.5–4, 13–14–2–6. 13–14–2–7, 13–23–1–4, 13–23–14–3, and 13–30–3. Under IC 13–14–2–2, an employee or agent of the Department has the authority to enter and inspect any property premises or place where regulated substances are stored at any reasonable time. In the case of a release, IC Sections 13–23–13–2, 13–23–13–4, and 13–23–13–12 provide employees or agents of the Department the authority to take such action as necessary, including the authority to enter any property, premises or place where an UST is located for inspection, in order to conduct sampling, and to have access to records. IC Section 13–23–13–1 provides the Department with rulemaking authority for corrective action. Notice of violation may be issued, and penalties for non-compliance with Indiana's UST Act may be assessed under IC 13–30–3–3. The State also includes requirements for delivery prohibitions in the event of non-compliance as described in 329 Indiana Administrative Code (IAC) Section 9–1–15.1.

Specific authorities to regulate the installation, operation, maintenance, and closure of USTs, as well as UST releases are found under IC 13–23, in addition to the regulatory provisions in 329 IAC Article 9 Underground Storage, as amended effective June 28, 2018; Reporting and recordkeeping requirements are found under 329 IAC 9–3–1. The aforementioned statutory and regulatory sections satisfy the requirements of 40 CFR 281.40 and 281.41.

Through a Memorandum of Agreement between the State of Indiana and EPA, signed by EPA Region 5 Regional Administrator November 27, 2018, the State maintains procedures for receiving and ensuring proper consideration of information about violations submitted by the public. The State agrees to comply with public participation provisions contained in 40 CFR 281.42 including the provision that the State will not oppose intervention under Rule 24 of the Indiana Rules of Court, Rules of Trial Procedure, in the same manner as the Federal rules at 40 CFR 281.42.

To qualify for final approval, revisions to a state's program must be ''equivalent to, consistent with, and no less stringent'' than the 2015 Federal Revisions. In the 2015 Federal Revisions, EPA addressed UST systems deferred in the 1988 UST regulations, and added, among other things, new operation and maintenance requirements; secondary containment requirements for new and replaced tanks and piping; operator training requirements; and a requirement to ensure UST system compatibility before storing certain biofuel blends. In addition, EPA removed past deferrals for emergency generator tanks, field constructed tanks, and airport hydrant systems. EPA analyzes revisions to approved state programs pursuant to the criteria found in 40 CFR 281.30 through 281.39.

The Department has revised its regulations to help ensure that the state's UST program revisions are equivalent to, consistent with, and no less stringent than the 2015 Federal Revisions. In particular, the Department has amended Indiana Administrative Code to incorporate the revised requirements of 40 CFR part 280, including the requirements added by the 2015 Federal Revisions. The State, therefore, has ensured that the criteria found in 40 CFR 281.30 through 281.38 are met.

Title 40 CFR 281.39 describes the state operator training requirements that must be met in order to be considered equivalent to, consistent with, and no less stringent than federal requirements. Indiana has elected to incorporate by reference the Federal Rules at 329 IAC 9–1–1(b) and (c); therefore, Indiana's operator training requirements are equivalent to, consistent with, and no less stringent than federal requirements.

As part of the State Application, the Chief Counsel in the Advisory Division of the State of Indiana—Office of the Attorney General certified that the laws of Indiana provide adequate authority to carry out the ''no less stringent'' technical requirements submitted by the State in order to meet the criteria in 40 CFR 281.30 through 281.39. EPA is relying on this certification in addition to the analysis submitted by the State in making our determination.

For further information on EPA's analysis of the State's application, see the supporting documentation for both the statutory and regulatory programs contained in the docket for this rulemaking.

H. Where are the revised rules different from the federal rules?

Broader in Scope Provisions

Where an approved state program has a greater scope of coverage than required by federal law, the additional coverage is not part of the federally-approved program and are not federally enforceable (40 CFR 281.12(a)(3)(ii)). The following regulatory requirements are considered broader in coverage than the federal program as these state-only regulations are not required by federal regulation and are implemented by the state in addition to the federally approved program:

Indiana Code Title 13, Article 23 Underground Storage Tanks:

Chapter 6 Underground Storage Petroleum Tank Trust Fund, Sections 13–23–6–1 through 13–23–6–5; Chapter 7 Underground Petroleum Storage Tank Excess Liability Fund, Sections 13–23–7–1 through 13–23–7–7; Chapter 8 Use of Money in Excess Liability Fund, Sections 13–23–8–4 through 13–23–8–6; Chapter 9 Payment from Excess Liability Fund, Sections 13–23–9–1.3 through 13–23–9–6; and Chapter 13 Corrective Actions, Sections 13–23–13–6 and 13–23–13–7, because funds of this type are state specific and are broader in scope than the federal program.

Chapter 12 Fees, Sections 13–23–12–1 through 13–23–12–4 because fees are

broader in scope and not imposed by the federal program.

More Stringent Provisions

Where an approved state program includes requirements that are considered more stringent than required by federal law, the more stringent requirements become part of the federally approved program (40 CFR 281.12(a)(3)(i)).

The following regulatory requirements are considered more stringent than the federal program, and on approval, they become part of the federally approved program and are federally enforceable:

Under 329 Indiana Administrative Code (IAC):

At Section 329 IAC 9–2–2(f) Indiana requires UST system owners and operators to ensure that workers performing UST installations, testing, upgrades, closures, removals, and change in service are certified by the State Fire Marshall. The federal regulations do not require certification making the state requirement more stringent.

At Section 329 IAC 9–2–2(g) Indiana requires UST system owners and operators to submit notice of temporary closure, upgrades, or release detection installation within 30 days of completing such actions. The federal regulations do not contain similar requirements.

Indiana has state-only provisions related to reporting at 329 IAC 9–3–1(b)(4), and (b)(6)–(b)(15). These additional reporting requirements are more stringent than the federal regulations because 40 CFR 280.34 does not require the submittal of the documentation described in this state program requirement.

At Section 329 IAC 9–3–1(c)(5)–(c)(10) the state has additional recordkeeping requirements that require retention of additional items not required by the federal regulations. These additional requirements make the state program more stringent than the federal regulations.

329 IAC 9–2–3 requires UST system owners or operators to certify compliance with the release detection requirements of 40 CFR 280, Subpart D and Indiana Article 9 within the state's notification forms. The federal program requires certification, but does not require the use of specific notification forms or that the person who performs the work be certified by the state fire marshal, making this state-only requirement more stringent.

At Section 329 IAC 9–4–4(a)(1) the State requires owners and operators to contain, cleanup a spill or overfill, and report the incident in cases when a petroleum release to the environment equals or exceeds 25 gallons at 329 IAC 9–4–4(a)(1)(A). This state provision is more stringent than the federal regulations, because under the federal regulations these actions are only required if the release of petroleum exceeds 25 gallons.

Section 329 IAC 9–5–5.1 is more stringent because Indiana has additional and more detailed requirements for site characterization after release than federal regulations. Specifically, at 329 IAC 9–5–5.1(b), Indiana requires an investigation and submittal of a signed report detailing specific information concerning site background, release incident description, initial response and abatement, free product recovery, investigation, sampling, results and conclusions, and recommendations.

At Section 329 IAC 9–5–4.2 the state provision is more stringent because Indiana has a more detailed requirement for the safe handling of flammable products. Specifically, at 329 IAC 9–5–4.2(3), Indiana requires that flammable products be handled in in accordance with the site health and safety plan which is required under the State's corrective action plan at Section 329 IAC 9–5–7(e).

329 IAC 9–5–6 addresses further site investigations for soil and ground water cleanup. The state provisions are more stringent than the federal regulations because Indiana has additional and more detailed requirements for further site investigation in the event evidence exists that a contaminant exceeds the cleanup objectives of IC 13–12–3–2.

At Section 329 IAC 9–5–7 the state provisions are more stringent because Indiana has additional and more detailed requirements for the corrective action plan than the federal regulations including consideration of the proximity of potential contaminant receptors and suitability of chosen remediation method when approving corrective action plans and adherence to a written health and safety plan.

At 329 IAC 9–6–5(d) the State requires owners and operators provide certification of closure compliance pursuant to the notification form requirements at 329 IAC 9–2–2 (see specifically 329 IAC 9–2–2(f) and (g)). The federal program does not include a similar requirement making the state provision potentially more stringent than the federal regulations.

At 329 IAC 9–6–2.1(a) the State requires owners and operators to notify both the department and the office of the state fire marshal before beginning permanent closure or a change-in-service where the federal regulation requires notification only of the implementing agency. The state provision is more stringent than federal regulations because of this additional notification requirement.

Section 329 IAC 9–6–3 requires that when previously closed UST systems must be assessed and closed as directed by the State Commissioner, the closures be performed by a person certified under the rules of the fire prevention and building safety commission at 675 IAC 12–12. The State's requirement for certification is more stringent than federal regulations.

At Section 329 IAC 9–8–4(a) the state provision is more stringent than the federal regulations as it requires all UST system owners and operators to maintain financial responsibility for corrective action and third-party claims in a per-occurrence amount of at least $1 million, without considering their monthly throughput or whether they are located at petroleum marketing facilities. The federal regulations allow owners or operators who do not meet the requirement of 280.93(a)(1) to maintain financial responsibility of $500,000.

At Section 329 IAC 9–8–17(b) this state provision continues to require that the local government fund be funded for ten times the full amount of coverage required under 329 IAC 9–8–4 though EPA reduced the required local government fund funding amount from ten times the full amount of coverage required under § 280.93 to five times the coverage. The State's higher coverage requirement makes the state provision more stringent than the federal regulations.

At Section 329 IAC 9–8–25(a) and (b) the State requires owners or operators to replenish guarantees, letters of credit and surety bonds by the anniversary date or within 120 days after the reduction has occurred, whichever is sooner. The State's inclusion of this other option and subjecting owners or operators to whichever option is sooner is more stringent than the federal program that does not contain these requirements.

I. How does this action affect Indian country (18 U.S.C. 1151) in Indiana?

EPA's approval of Indiana's Program does not extend to Indian country as defined in 18 U.S.C. 1151. Indian country generally includes any land held in trust by the United States for an Indian tribe; and any other areas that are ''Indian country'' within the meaning of 18 U.S.C. 1151. Any lands removed from an Indian reservation status by federal court action are not considered reservation lands even if located within

the exterior boundaries of an Indian reservation. EPA will retain responsibilities under RCRA for underground storage tanks in Indian country. Therefore, this action has no effect in Indian country. *See* 40 CFR 281.12(a)(2).

II. Statutory and Executive Order (E.O.) Reviews

This action only applies to Indiana's UST Program requirements pursuant to RCRA Section 9004 and imposes no requirements other than those imposed by state law. It complies with applicable EOs and statutory provisions as follows:

A. Executive Order 12866 Regulatory Planning and Review, Executive Order 13563: Improving Regulation and Regulatory Review

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, Oct. 4, 1993) and 13563 (76 FR 3821, Jan. 21, 2011). This action approves state requirements for the purpose of RCRA section 9004 and imposes no additional requirements beyond those imposed by state law. Therefore, this action is not subject to review by OMB.

B. Unfunded Mandates Reform Act and Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Because this action approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

C. Executive Order 13132: Federalism

This action will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, Aug. 10, 1999), because it merely approves state requirements as part of the state RCRA Underground Storage Tank Program without altering the relationship or the distribution of power and responsibilities established by RCRA.

D. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action also is not subject to Executive Order 13045 (62 FR 19885, Apr. 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks.

E. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a ''significant regulatory action'' as defined under Executive Order 12866.

F. National Technology Transfer and Advancement Act

Under RCRA section 9004(b), EPA grants a state's application for approval as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a state approval application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

G. Executive Order 12988: Civil Justice Reform

As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct.

H. Executive Order 12630: Governmental Actions and Interference With Constitutionally Protected Property Rights

EPA has complied with Executive Order 12630 (53 FR 8859, Mar. 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order.

I. Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). ''Burden'' is defined at 5 CFR 1320.3(b).

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low Income Populations

Executive Order 12898 (59 FR 7629, Feb. 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Because this rule approves pre-existing state rules which are at least equivalent to, consistent with, and no less stringent than existing federal requirements, and imposes no additional requirements beyond those imposed by state law, and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801–808, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). However, this action will be effective April 19, 2021 because it is a direct final rule.

Authority: This rule is issued under the authority of Sections 2002(a), 7004(b), and 9004, 9005 and 9006 of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6974(b), and 6991c, 6991d, and 6991e.

List of Subjects in 40 CFR Parts 281 and 282

Environmental protection, Administrative practice and procedure, Hazardous substances, State program approval, and Underground storage tanks.

Dated: February 9, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

[FR Doc. 2021–03168 Filed 2–16–21; 8:45 am]

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Proposed Rules

Federal Register
Vol. 86, No. 30
Wednesday, February 17, 2021

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R10–OAR–2020–0190; FRL–10014–37–Region 10]

Air Plan Approval; ID: Logan Utah-Idaho $PM_{2.5}$ Redesignation to Attainment and Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to redesignate the Idaho portion of the Logan, Utah-Idaho fine particulate matter ($PM_{2.5}$) nonattainment area (Logan UT-ID NAA) to attainment for the 2006 $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS). EPA is also proposing to approve a maintenance plan for the area demonstrating continued compliance with the 2006 $PM_{2.5}$ NAAQS through 2031, which the Idaho Department of Environmental Quality (IDEQ) submitted along with the redesignation request on September 13, 2019, for inclusion into the Idaho State Implementation Plan (SIP). Additionally, EPA is proposing to approve the 2031 motor vehicle emissions budgets included in Idaho's maintenance plan for $PM_{2.5}$, nitrogen oxides (NO_X) and volatile organic compounds (VOC). EPA is proposing this action pursuant to the Clean Air Act (CAA or the Act).

DATES: Comments must be received on or before March 19, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2020–0190, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not electronically submit any information you consider to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Adam Clark, (206) 553–1495, *clark.adam@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to EPA.

Table of Contents

I. Background

On October 17, 2006 (71 FR 61144), EPA revised the level of the 24-hour $PM_{2.5}$ NAAQS, lowering the primary and secondary standards from the 1997 standard of 65 micrograms per cubic meter ($\mu g/m^3$) to 35 $\mu g/m^3$. On November 13, 2009, EPA designated a portion of Franklin County, Idaho in addition to portions of Cache County, Utah nonattainment for the 2006 24-hour $PM_{2.5}$ NAAQS (74 FR 58688). This cross-boundary nonattainment area is referred to as the Logan, UT-ID $PM_{2.5}$ NAA.

The boundaries of the Logan, UT-ID $PM_{2.5}$ NAA roughly conform to the geographic boundaries of the Cache Valley. The Cache Valley is an isolated, bowl-shaped valley measuring approximately 60 kilometers north to south and 20 kilometers east to west and almost entirely surrounded by mountain ranges. The Wellsville Mountains lie to the west, and on the east lie the Bear River Mountains; both are northern branches of the Wasatch Range. This topography can act as a barrier to air movement in the Cache Valley during temperature inversions, which occur in the winter months and are often the cause of elevated concentrations of fine particulates. Additional information pertaining to the unique issues associated with the Logan, UT-ID $PM_{2.5}$ NAA and studies completed on inversions can be found in the docket for Utah and Idaho in the November 13, 2009, final designations action for the 2006 24-Hour $PM_{2.5}$ NAAQS (74 FR 58688).

The nonattainment designation of the Logan UT-ID $PM_{2.5}$ NAA required Idaho to prepare and submit an attainment plan to meet statutory and regulatory requirements in the Idaho portion of the Logan, UT-ID $PM_{2.5}$ NAA.[1] IDEQ submitted this attainment plan to EPA on December 14, 2012, and supplemented the attainment plan on December 24, 2014. The attainment plan addressed specific required elements, including but not limited to the following elements: Emissions inventory, Reasonably Available Control Measures/Technology (RACM/RACT), attainment demonstration, contingency measures, and Motor Vehicle Emissions Budgets (MVEBs). EPA approved the baseline emissions inventory on July 18, 2014 (79 FR 41904) and the control measures on March 25, 2014 (79 FR 16201). EPA approved the control measures in the attainment plan as meeting RACM/RACT and disapproved contingency measures on January 4, 2017 (82 FR 729). EPA approved the attainment demonstration on August 8,

[1] See part D of title I of the Clean Air Act and EPA's Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements (72 FR 20586, April 25, 2007).

2017 (82 FR 37025). We also approved a separate, March 20, 2018, Idaho SIP revision as meeting applicable part D nonattainment new source review (NSR) requirements on August 20, 2018 (83 FR 42033).[2] Most recently, we approved the attainment plan as meeting the Reasonable Further Progress (RFP), Quantitative Milestone (QM), and MVEB requirements on February 20, 2020 (85 FR 9664).

On September 8, 2017 (82 FR 42447), EPA granted two, one-year extensions, under CAA section 188(d), to the December 31, 2015 Moderate attainment date for the 2006 24-hour $PM_{2.5}$ Logan, UT-ID NAA. On October 19, 2018, EPA finalized a determination that the Logan, UT-ID $PM_{2.5}$ NAA had attained the 2006 primary and secondary 24-hour $PM_{2.5}$ NAAQS (''Determination of Attainment'') by the December 31, 2017, attainment date (83 FR 52983). Additionally, EPA finalized a determination that the obligation to submit any remaining attainment-related SIP revisions arising from classification of the Logan, UT-ID NAA as Moderate under subpart 4 of part D (of title I of the Act) for the 2006 24-hour $PM_{2.5}$ NAAQS are not applicable for so long as the area continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS. *See* 40 CFR 51.1015(a) (known as a ''Clean Data Determination'' or ''CDD'').

II. Requirements for Redesignation to Attainment

The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) of the CAA, 42 U.S.C. 7407(d)(3)(E), allows for redesignation provided that: (1) EPA determines that the area has attained the applicable NAAQS; (2) EPA has fully approved the applicable implementation plan for the area under section 110(k) of the CAA; (3) EPA determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable federal air pollutant control regulations and other permanent and enforceable reductions; (4) EPA has fully approved a maintenance plan for the area as meeting the requirements of section 175A of the CAA; and (5) the state containing such area has met all requirements applicable to the area under section 110 and part D of the CAA. In this proposed action, EPA will review CAA section 107(d)(3)(E) requirements (2) and (5) together as part of our evaluation of Idaho's redesignation request.

EPA has provided guidance on redesignation in the ''General Preamble,'' [3] and has provided further guidance on processing redesignation requests in the following documents: (1) ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (hereafter the ''Calcagni Memo''); (2) ''State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (CAA) Deadlines,'' Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992; and (3) ''Part D New Source Review (Part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994. These documents are included in the Docket for this proposed action.

III. EPA's Analysis of Idaho's Submittal

EPA is proposing to redesignate the Franklin County, ID portion of the Logan UT-ID NAA to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS and proposing to approve into the Idaho SIP the associated maintenance plan. EPA's proposed approval of the redesignation request and maintenance plan is based upon EPA's determination that the area continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS and that all other redesignation criteria have been met for the area. The following is a description of how Idaho's September 13, 2019, submittal satisfies the requirements of section 107(d)(3)(E) of the CAA for the 2006 24-hour $PM_{2.5}$ standard.

A. Attainment Determination

To redesignate an area from nonattainment to attainment, the CAA requires EPA to determine that the area has attained the applicable NAAQS (CAA section 107(d)(3)(E)(i)). Whether an area has attained the 2006 24-hour $PM_{2.5}$ NAAQS is based upon measured air quality levels at each eligible monitoring site with a complete three-year period to produce a design value equal to or below 35 $\mu g/m^3$. *See* 40 CFR part 50 and 40 CFR part 50, appendix N. A state must demonstrate that an area has attained the 2006 24-hour $PM_{2.5}$ NAAQS through submittal of ambient air quality data from an ambient air monitoring network representing maximum $PM_{2.5}$ concentrations. The data must be quality assured, quality-controlled and certified in the EPA's Air Quality System (AQS) and it must show that the three-year average of valid $PM_{2.5}$ 98th percentile mass concentrations is equal to or below the 2006 24-hour $PM_{2.5}$ NAAQS (35 $\mu g/m^3$), pursuant to 40 CFR 50.13. In making this showing, three consecutive years of complete air quality data must be used.

As noted, on October 19, 2018, EPA finalized a Determination of Attainment for the Logan, UT-ID $PM_{2.5}$ NAA based upon quality-assured and certified ambient air quality monitoring data for the period of 2015–2017 (83 FR 52983). The monitoring data used as the basis for the Determination of Attainment under CAA section 188(b)(2) is provided in Table 1 of this document.

TABLE 1—LOGAN UT-ID AREA DESIGN VALUES FROM 2018 CDD [4]

Monitor	AQS site ID	98th percentile value ($\mu g/m^3$)			2015–2017 design value
		2015	2016	2017	
Smithfield, UT	490050007	[a] 28.9	34.0	36.0	[a] 33
Franklin, ID	160410001	18.8	33.3	[b] 38.3	[b] 30

[a] This value combines monitor data from the Logan, UT and Smithfield, UT monitors. EPA concurred on exceptional events in the October 19, 2018 (83 FR 52983) action and the specified data was excluded.

[b] This value includes 1-in-3 day monitoring frequency from January 1–August 9, 2017, and daily monitoring frequency from August 10–December 31, 2017.

[2] Idaho's submission incorporated by reference EPA's August 24, 2016 (81 FR 58010) rule changes to 40 CFR 51.165 promulgated under CAA subpart 4, part D.

[3] *See* ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498, April 16, 1992.

[4] See 83 FR 52983, October 19, 2018.

EPA has also reviewed the subsequent $PM_{2.5}$ ambient air monitoring data in the Logan UT-ID area for the monitoring design value [5] periods of 2016–2018 and 2017–2019. Consistent with the requirements at 40 CFR part 50, Idaho quality assured, quality-controlled and certified this ambient air monitoring data in the EPA's Air Quality System (AQS). This air quality data demonstrates that the Logan UT-ID area continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS. For the 2016–2018 three-year period, the Smithfield monitor recorded a design value of 33 $\mu g/m^3$.[6] The area's 24-hour $PM_{2.5}$ design values for the 2017–2019 three-year period are provided in Table 2 of this document.

TABLE 2—LOGAN UT-ID CURRENT $PM_{2.5}$ DESIGN VALUES [7]

Monitor	AQS site ID	98th percentile value ($\mu g/m^3$)			Design value (3-year average)
		2017	2018	2019	
Smithfield, UT	490050007	36.0	27.9	35.1	33
Preston, ID	160410002	[a] 17.3	27.2	30.1	[b] NA

[a] The Preston monitor operated at a 1-in-3 day monitoring frequency throughout 2017 and did not begin operation until February 24, 2017, making the first quarter incomplete for this monitor with less than 50% of data reported.

[b] Due to the incomplete first quarter in 2017, this design value does not meet validity requirements per 40 CFR part 50, Appendix N, section 4.2(c)(i).

As Table 2 indicates, the Logan UT-ID $PM_{2.5}$ NAA has continued to attain the 2006 24-hour $PM_{2.5}$ NAAQS since EPA issued its October 19, 2018, Determination of Attainment for the area based on the 2015–2017 design values shown in Table 1 of this document. We note that the Preston, ID monitor did not produce a valid design value for the 2017–2019 period because the monitor did not begin operation until February 24, 2017, thus producing an incomplete first quarter for that monitoring year. Despite this, EPA finds that it is appropriate to conclude that the area has continued to attain the NAAQS since the initial 2015–2017 period upon which we based our October 19, 2018, Determination of Attainment, based on uninterrupted attainment at the Smithfield, UT monitor. A review of concurrent monitoring data for the Smithfield and Preston monitors provided in Table 2 of this document, and discussed in more detail in our Technical Support Document (TSD) [8] included in the docket for this proposed action, shows that the Smithfield site typically records higher levels of $PM_{2.5}$ than the Preston site, indicating that Smithfield's location is more suitable to demonstrate maximum $PM_{2.5}$ concentrations in the Cache Valley. On September 1, 2020, Utah and Idaho completed a memorandum of understanding (MOU) to collectively meet the monitoring requirements of 40 CFR part 58, Appendix D in the Logan UT-ID metropolitan statistical area (MSA), allowing Idaho to rely on the Smithfield monitor in Utah as the highest concentration monitor in the MSA. As shown, the Smithfield monitor has attained the 2006 24-hour $PM_{2.5}$ NAAQS for the 2015–2017, 2016–2018 and 2017–2019 design value periods. The MOU is included in the docket for this proposed action. The TSD also demonstrates that it is very unlikely that the Preston monitor's first complete valid design value for the 2018–2020 period could exceed the 2006 $PM_{2.5}$ NAAQS based on a review of all available data recorded at this monitor.

EPA's review of the monitoring data for 2016–2018 and 2017–2019 supports the previous determination that the area has attained the 2006 24-hour $PM_{2.5}$ NAAQS and demonstrates that the area continues to attain the standard. As discussed further in Section III.D of this document, Idaho has committed to continue monitoring ambient $PM_{2.5}$ concentrations in accordance with 40 CFR part 58. Thus, EPA is proposing to determine that the Logan UT-ID $PM_{2.5}$ NAA attained the 2006 24-hour $PM_{2.5}$ NAAQS.

B. Applicable Requirements Under Section 110 and Part D of the CAA

Section 107(d)(3)(E)(ii) and (v) of the CAA states that for an area to be redesignated to attainment, it must be determined that the Administrator has fully approved the applicable implementation plan for the area under CAA section 110(k) and all the requirements applicable to the Area under section 110 of the CAA (general SIP requirements) and part D of Title I of the CAA (SIP requirements for nonattainment areas) must be met.

1. CAA Section 110 General SIP Requirements

Section 110(a)(2) of Title I of the CAA delineates the general requirements for a SIP, which include enforceable emissions limitations and other control measures, means or techniques, provisions for the establishment and operation of appropriate devices necessary to collect data on ambient air quality, and programs to enforce the limitations. The general SIP elements and requirements set forth in CAA section 110(a)(2) include, but are not limited to the following:

- Submittal of a SIP that has been adopted by the state after reasonable public notice and hearing;
- Provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality;
- Implementation of a source permit program; provisions for the implementation of Part C requirements (PSD);
- Provisions for the implementation of Part D requirements for NSR permit programs;
- Provisions for air pollution modeling; and
- Provisions for public and local agency participation in planning and emission control rule development.

CAA section 110(a)(2)(D) requires that SIPs contain certain measures to prevent sources in a state from significantly contributing to air quality problems in another state. However, CAA section 110(a)(2)(D) requirements for a state are not linked with a particular nonattainment area's designation and classification in that state. EPA believes that the requirements linked with a

[5] As defined in 40 CFR part 50, Appendix N, section (1)(c).

[6] *See https://www.epa.gov/air-trends/air-quality-design-values#report.*

[7] The Preston monitor does not have a valid design value for the 2017–2019 three-year period because of an incomplete 2017 quarter 1 which cannot be substituted with quarter 1 data at the same monitor in 2018 or 2019 per 40 CFR part 50, Appendix N, section 4.2(c)(i) because it has below 50% complete data for that quarter.

[8] Please see ''EPA R10 Ambient Monitoring TSD'' in the docket for this proposed action (EPA–R10–OAR–2020–0190) on *www.regulations.gov.*

particular nonattainment area's designation and classifications are the relevant measures to evaluate in reviewing a redesignation request. The transport SIP submittal requirements, where applicable, continue to apply to a state regardless of the designation of any one particular area in the state. Thus, EPA does not believe that these requirements are applicable requirements for purposes of redesignation.

In addition, EPA believes that the other CAA section 110(a)(2) elements not connected with nonattainment plan submissions and not linked with an area's attainment status are not applicable requirements for purposes of redesignation because the area will still be subject to these requirements after it is redesignated. EPA concludes that the CAA section 110(a)(2) and part D requirements which are linked with a particular area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request, and that CAA section 110(a)(2) elements not linked to the area's nonattainment status are not applicable for purposes of redesignation. This approach is consistent with EPA's existing policy on applicability of conformity (*i.e.,* for redesignations) and oxygenated fuels requirement. *See* Reading, Pennsylvania, proposed and final rulemakings (61 FR 53174, October 10, 1996), (62 FR 24826, May 7, 1997); Cleveland-Akron-Lorain, Ohio final rulemaking (61 FR 20458, May 7, 1996); and Tampa, Florida, final rulemaking (60 FR 62748, December 7, 1995). *See also,* the discussion on this issue in the Cincinnati, Ohio redesignation (65 FR at 37890, June 19, 2000), and in the Pittsburgh-Beaver Valley, Pennsylvania redesignation (66 FR at 53099, October 19, 2001).

EPA has reviewed the Idaho SIP and has concluded that it meets the general SIP requirements under Section 110(a)(2) of the CAA to the extent they are applicable for the purposes of redesignation. EPA has previously approved provisions of Idaho's SIP as demonstrating compliance with the CAA section 110(a)(2) requirements for the 2006 $PM_{2.5}$ NAAQS (79 FR 40662, July 14, 2014). These requirements are, however, statewide requirements that are not linked to the $PM_{2.5}$ nonattainment status of the Logan, UT-ID NAA. Therefore, EPA believes that these SIP elements are not applicable requirements for purposes of review of this proposed redesignation.

2. Part D of Title I Requirements

Part D of Title I of the CAA sets forth the basic nonattainment plan requirements applicable to all nonattainment areas at subpart 1 (CAA sections 172–176) and requirements specific to PM_{10} and $PM_{2.5}$ areas at subpart 4 (CAA section 189). On August 24, 2016, EPA promulgated the Fine Particulate Matter National Ambient Air Quality Standards; State Implementation Plan Requirements rule.[9] This rule implements the requirements of Part D of Title I of the CAA for areas designated nonattainment for any $PM_{2.5}$ NAAQS.

In accordance with 40 CFR 51.1015, upon a determination by EPA that a Moderate $PM_{2.5}$ nonattainment area has attained the $PM_{2.5}$ NAAQS, the requirements for the state to submit an attainment demonstration, provisions demonstrating that RACM (including RACT for stationary sources) shall be implemented no later than 4 years following the date of designation of the area, RFP plan, QMs and QM reports, and contingency measures for the area shall be suspended until such time as: (1) The area is redesignated to attainment, after which such requirements are permanently discharged; or, (2) EPA determines that the area has re-violated the $PM_{2.5}$ NAAQS.

Those states containing Moderate $PM_{2.5}$ NAAs were required to submit a SIP by December 31, 2014, which demonstrated attainment of the $PM_{2.5}$ NAAQS by December 31, 2015.[10] Pursuant to CAA section 188(d) and 40 CFR 51.1005(a), on September 8, 2017, EPA extended the attainment date for the Logan UT-ID NAA from December 31, 2015 to December 31, 2017 (82 FR 42447). As stated in the ''Background'' section, EPA has approved several attainment plan elements for the Idaho portion of the Logan UT-ID area. Specifically, EPA approved the following elements of Idaho's attainment plan: Baseline emissions inventory (July 18, 2014, 79 FR 41904); control measures (March 25, 2014, 79 FR 16201); RACM/RACT (January 4, 2017, 82 FR 729); attainment demonstration (August 8, 2017, 82 FR 37025); nonattainment NSR (August 20, 2018, 83 FR 42033), and RFP, QM and MVEB (February 20, 2020, 85 FR 9664).

Pursuant to 40 CFR 51.1015(a), on October 19, 2018, EPA completed a CDD for the Logan, UT-ID Moderate $PM_{2.5}$ NAA. (83 FR 52983). The CDD suspended the obligation for Idaho to make submissions to meet certain CAA requirements related to attainment of the NAAQS, including the CAA section 172(c)(9) requirement to adopt contingency measures.

Determinations of attainment do not relieve states from submitting and EPA from approving certain Part D planning requirements for the 2006 $PM_{2.5}$ NAAQS. CAA section 172(c)(3) requires submission and approval of a comprehensive, accurate and current inventory of actual emissions. For purposes of the $PM_{2.5}$ NAAQS, this emissions inventory should address not only direct emissions of $PM_{2.5}$, but also emissions of all precursors to $PM_{2.5}$ formation, *i.e.,* SO_2, NO_X, VOC, and ammonia. As previously discussed, EPA determined that Idaho met the CAA section 172(c)(3) comprehensive emissions inventory requirement in a final rulemaking on July 18, 2014 (79 FR 41904).

CAA section 172(c)(4) requires the identification and quantification of allowable emissions for major new and modified stationary sources in an area, and CAA section 172(c)(5) and requires source permits for the construction and operation of new and modified major stationary sources anywhere in the nonattainment area. EPA first approved the requirements of the part D NSR permit program for Idaho under subpart 1 on November 26, 2010 (75 FR 72719). Subsequently, on March 20, 2018, Idaho submitted rule revisions to meet additional part D NSR requirements promulgated by the EPA under subpart 4 (81 FR 58010, August 24, 2016). We approved Idaho's submission on August 20, 2018 (83 FR 42033).

Once the Logan, UT-ID $PM_{2.5}$ NAA is redesignated to attainment, the prevention of significant deterioration (PSD) requirements of part C of the Act will apply. Idaho's PSD regulations are codified in the Idaho Administrative Procedures Act (IDAPA) at 58.01.01.200–228 (permit to construct) and governed by IDAPA 58.01.01.205 (permit requirements for new major facilities or major modifications in attainment or unclassifiable areas). We most recently approved revisions to Idaho's PSD program on August 20, 2018 (83 FR 42033), May 12, 2017 (82 FR 22083) and August 12, 2016 (81 FR 53290). EPA finds that Idaho's PSD provisions meet all applicable Federal requirements for any area designated unclassifiable or attainment, and these provisions will become fully effective in the Idaho portion of the Logan, UT-ID

[9] 81 FR 58010, August 24, 2016. Codified at 40 CFR part 51, subpart Z.

[10] *See* Section 188(c)(1) of the CAA, 42 U.S.C. 7513(c)(1), 40 CFR 51.1004(a)(1). *See also* Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) and 2006 $PM_{2.5}$ NAAQS (June 2, 2014), 79 FR 31566, 31567–68.

$PM_{2.5}$ NAA upon redesignation of the area to attainment.

CAA section 172(c)(7) requires the SIP to meet the applicable provisions of CAA section 110(a)(2). As noted above, we find that the Idaho SIP meets the CAA section 110(a)(2) applicable requirements for purposes of redesignation.

For purposes of redesignation to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS, EPA proposes to find that Idaho has met all the applicable SIP requirements under part D of Title I of the CAA.

3. Fully Approved SIP Under CAA Section 110(k)

As discussed in Sections III.B.1 and III.B.2 of this document, for purposes of redesignation to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS, EPA has fully approved all applicable requirements of Idaho's SIP for the Idaho portion of the Logan UT-ID area in accordance with CAA section 110(k). Therefore, EPA has fully approved all applicable requirements of the applicable implementation plan in accordance with CAA section 110(k).

C. Improvement in Air Quality Due to Permanent and Enforceable Measures

CAA section 107(d)(3)(E)(iii) of the CAA provides that for an area to be redesignated to attainment, the Administrator must determine that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan, implementation of applicable Federal air pollutant control regulations, and other permanent and enforceable reductions.

On December 14, 2012, IDEQ submitted an attainment plan that addressed attainment planning requirements for the Idaho portion of the Logan UT-ID $PM_{2.5}$ NAA. On December 24, 2014, the IDEQ submitted a supplement to the 2012 attainment plan that included additional analysis. Idaho's December 14, 2012, attainment plan submittal included residential wood combustion (RWC) ordinances, road-sanding agreements, and a wood stove change-out program to reduce emissions of $PM_{2.5}$ in the Idaho portion of the Logan UT-ID $PM_{2.5}$ NAA. Each of these programs is discussed in detail within this section. EPA approved the RWC ordinances and road sanding agreements into the Idaho SIP on March 25, 2014 (79 FR 16201), making them federally enforceable. EPA approved Idaho's evaluation of, and imposition of, RACM and RACT level controls on appropriate sources on January 4, 2017 (82 FR 729). This approval included approving the RWC ordinances and wood stove change-out program as meeting the RACM requirement.

The RWC ordinances approved as RACM on January 4, 2017, apply within Franklin County and all six Idaho cities on the Idaho side of the Logan UT-ID $PM_{2.5}$ NAA (Franklin, Preston, Weston, Dayton, Clifton, and Oxford). EPA determined in its approvals that these RWC ordinances achieved permanent and enforceable emissions reductions. Key elements in the current RWC ordinances include mandatory burn bans issued when $PM_{2.5}$ has reached or is forecasted to reach 75 on the Air Quality Index (AQI), which corresponds to a $PM_{2.5}$ concentration of 23.3 $\mu g/m^3$ and aligns with the RWC ordinances applicable within Cache County on the Utah side of the Logan UT-ID $PM_{2.5}$ NAA. All RWC ordinances effective in Franklin County prohibit both open burning and the use of specified devices when an air quality alert is issued. The ordinances also prohibit the installation of non-EPA-certified devices. Each of the adopted ordinances bans open burning of any kind during burn ban days, bans the sale or installation of non-EPA certified devices in new or existing buildings, and prohibits the construction of any building for which a solid fuel burning device is the sole source of heat. In its December 14, 2012, attainment plan submittal, Idaho estimated that maximum reductions for this measure are 0.06 tons per day (tpd) direct $PM_{2.5}$, 0.009 tpd nitrogen oxides (NO_X), and 0.078 tpd volatile organic compounds (VOC).

In our March 25, 2014 action, EPA also approved road sanding agreements between IDEQ, Franklin County Road and Bridge, and the Idaho Transportation Department (IDT) to reduce the contribution of primary $PM_{2.5}$ from reentrained dust on paved roads. According to records submitted to Idaho and summarized in the submission, IDT used salt in 2014 (409 tons), 2015 (340 tons), and 2016 (109 tons) and did not use sand. Franklin County Road and Bridge historically used a 10:1 ratio of sand and salt; however, in the Idaho attainment plan, Franklin County committed to use a 4:1 ratio of sand and salt when anti-skid treatment is required. Franklin County also agreed to apply brine when temperatures are above 22 °F, a measure that further reduces the amount of sand required by approximately 50%. The City of Preston now uses a 2:1 ratio of sand and salt at an average of 700 tons total per year. In its SIP, IDEQ estimates that these road sanding commitments would lead to 0.10 tpd reduction in direct $PM_{2.5}$ annually.

Finally, in its attainment plan, IDEQ quantified the emission reduction benefits from three woodstove change-out programs on the Idaho side of the Logan UT-ID area. These programs were conducted in 2006–2007, 2011–2012, and 2013–2014. Accordingly, Idaho demonstrated in the submission that a total of 209 uncertified RWC devices have been changed-out since 2006. In addition, 39 stoves were removed and destroyed through Idaho's Alternative Energy Device tax deduction program. In total, 256 wood stoves have been changed out on the Idaho side of the Logan UT-ID NAA since 2006. As described in the supplemental 2014 attainment plan SIP submittal (applying the appropriate temporal profile to convert to tons per day), Idaho stated these change-outs have led to permanent reductions of 0.05 tpd direct $PM_{2.5}$, 0.003 tpd NO_X, and 0.13 tpd VOC.[11] These woodstove change-out programs achieved permanent and enforceable emissions reductions because the RWC ordinances banned the sale or installation of non-EPA certified devices in new or existing buildings in Franklin County jurisdictions.

IDEQ also noted that Utah adopted permanent and enforceable control measures into its SIP that have reduced $PM_{2.5}$ and precursor emissions and led to the improvement in air quality in the Logan UT-ID $PM_{2.5}$ NAA. IDEQ specifically referenced area source rules (2015 reductions of 122 lbs/day NO_X, 679 lbs/day $PM_{2.5}$, 3,665 lbs/day VOC) and a vehicle and inspection and maintenance program (2015 reductions of 0.214 tons/day for NO_X and 0.212 tons/day for VOC) in the Utah portion of the Logan UT-ID NAA.[12] IDEQ also referenced Federal measures, including the ''Tier 3 Motor Vehicle Emission and Fuel Standards Rule'' (79 FR 23414), as permanent and enforceable reductions leading to improvement in air quality, and ultimately to attainment, in the Logan UT-ID $PM_{2.5}$ NAA.

Based on the foregoing evaluation of these control measures, EPA proposes to determine that the improvement in air quality is reasonably attributable to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan, implementation of applicable Federal air pollutant control regulations, and other permanent and enforceable reductions.

[11] 2014 attainment plan SIP submittal, Section 4.1.

[12] *See* Idaho's September 13, 2019 submittal at Section 5.2.

D. Fully Approved Maintenance Plan

CAA section 107(d)(3)(E)(iv) requires that, for a NAA to be redesignated to attainment, EPA must fully approve a maintenance plan which meets the requirements of CAA section 175A. The plan must demonstrate continued attainment of the relevant NAAQS in the area for at least 10 years after our approval of the redesignation. Eight years after our approval of a redesignation, the State must submit a revised maintenance plan demonstrating attainment for the 10 years following the initial 10-year period. The maintenance plan must also contain a contingency plan to ensure prompt correction of any violation of the NAAQS. *See* CAA sections 175A(b) and (d). The Calcagni Memo provides additional guidance on the content of a maintenance plan, stating that a maintenance plan should include the following elements: (1) An attainment emissions inventory; (2) a maintenance demonstration showing attainment for 10 years following redesignation; (3) a commitment to maintain the existing monitoring network; (4) verification of continued attainment; and (5) a contingency plan to prevent or correct future violations of the NAAQS. The following paragraphs describe how each of these elements is addressed in Idaho's maintenance plan.

1. Attainment Inventory

As discussed in the General Preamble (*see* 57 FR 13498, April 16, 1992) and the Calcagni Memo, $PM_{2.5}$ maintenance plans should include an attainment emission inventory to identify the level of emissions in the area which is sufficient to maintain the NAAQS.

The maintenance plan attainment year inventory should include the emissions during the time period associated with the monitoring data showing attainment.[13] For the Logan, UT-ID $PM_{2.5}$ NAA, IDEQ determined attainment using air quality data from 2015, 2016, and 2017, the design value period relied upon for the EPA's Determination of Attainment (83 FR 52983, October 19, 2018). The State therefore used 2017 to calculate its base year attainment inventory, which aligned with the 2017 National Emissions Inventory (NEI) data available for point, area, on-road mobile, and nonroad mobile sources. IDEQ then projected the 2017 base year inventory to both a ''horizon year'' (a future year at least 10 years from the approval date of the maintenance plan) of 2031 and an interim year of 2026.

The NEI is compiled at the county level, so the State first calculated the 2017 emissions inventories for Franklin County, and then apportioned these county-wide inventories to the portion of Franklin County included in the Logan, UT-ID NAA.[14] IDEQ projected mobile source emissions using the latest version of EPA's Motor Vehicle Emissions Simulator (MOVES) model (MOVES2014b). IDEQ used apportioned 2017 NEI data for the on-road mobile source emissions, and used MOVES2014b model defaults for the nonroad portion of the model, because the State has not yet developed input files for that version of the model.[15] To best represent emissions that occur on days when the ambient concentrations of $PM_{2.5}$ are of concern, the MOVES meteorological inputs were based on an average episodic day representing conditions present during wintertime stagnation events leading to high levels of ambient $PM_{2.5}$ in the Logan UT-ID $PM_{2.5}$ NAA.[16] IDEQ ran MOVES2014b to calculate on-road and nonroad mobile source emissions on an average episodic winter day for Franklin County for January 2017, 2026 and 2031. Area source emissions were apportioned from 2017 NEI data for individual categories, which were projected for the 2026 and 2031 inventories based on an average annual growth rate. No point sources were listed in the base year or projected future inventories. More detailed descriptions of the 2017 base year inventory and the 2026 and 2031 projected inventories can be found in section 4 and Appendix A of Idaho's September 13, 2019 submittal, in the docket for this action.

For each of these source categories, the pollutants that were inventoried include: $PM_{2.5}$, sulfur dioxide (SO_2), NO_X, VOC, and ammonia (NH_3). Summary of emission figures from 2017 base year and the projected inventories are provided in Table 3 of this document.

TABLE 3—IDAHO PORTION OF THE LOGAN, UT-ID $PM_{2.5}$ NAA; ACTUAL EMISSIONS FROM 2017 AND PROJECTED EMISSIONS FOR 2026 AND 2031

[Pounds per average episodic winter day]

Year	Source category	$PM_{2.5}$ condensable	$PM_{2.5}$ filterable	NO_X	SO_2	VOC	NH_3
2017	Area	9.72	208.8	338.8	28.3	1,626.5	868.6
2017	Mobile	.....	127.3	957.7	1.9	901.2	13.8
2017	Nonroad	.....	42.5	286.6	0.8	1,189.1	0.7
2017	Total	9.72	378.5	1,583	31	3,716.8	883.1
2026	Area	9.88	222.4	363.5	28.6	2,061.1	872.1
2026	Mobile	.....	109.4	421.8	2.0	533.1	12.5
2026	Nonroad	.....	31.2	302.8	0.8	776.4	0.7
2026	Total	9.88	363	1088.1	31.4	3,370.6	885.3
2031	Area	9.97	230	377.2	28.8	2,302.6	874
2031	Mobile	.....	110.5	297.3	2	396.3	13.2
2031	Nonroad	.....	29.8	306.7	0.8	732.5	0.7
2031	Total	9.97	370.4	981.2	31.6	3,431.4	887.9
Projected change (%)	.....	2.5	−2.2	−38	2	−7.70	0.5

[13] *See* Calcagni Memo at 8.

[14] *See* Appendix A of Idaho's September 13, 2019 submittal for the apportionment methodology.

[15] With the exception of paved road dust emissions, which IDEQ calculated using AP–42 guidance.

[16] An episodic day was defined as any day from November through March during which the daily average $PM_{2.5}$ concentration in Franklin County was above 35 μg/m3. A total of 62 days were identified that met these criteria at the Logan-Cache Airport weather station from 2013 through 2017. The hourly meteorological data from these 62 days were then averaged to create the final average episodic day inputs.

Following our review, we have determined that IDEQ prepared an adequate attainment inventory for the Idaho portion of the Logan, UT-ID $PM_{2.5}$ NAA.

In the September 13, 2019 submission, Idaho also provided inventory information for the Utah portion of the Logan, UT-ID NAA. Idaho derived this inventory from the Utah Division of Air Quality (Utah DAQ), which performed a photochemical grid modeling analysis using the ''Comprehensive Air Quality Model with Extensions'' (v. 6.3, *http://www.camx.com/*) modeling system for the nonattainment area for Utah's attainment, interim, and projected years. Utah used linear projections to estimate future years to 2035. Utah DAQ's modeling domain included all three of the nonattainment areas in UT and extended into southern Idaho to include the Idaho portion of the Logan UT-ID $PM_{2.5}$ NAA. The methodology for the mobile, nonroad and area source emissions inventories can be found in the Utah DAQ $PM_{2.5}$ Emissions Inventory Preparation Plan (Utah DAQ 2019), in the docket for this action. IDEQ interpolated the Utah DAQ projections to 2031 using the average annual growth rate for area, mobile, and nonroad sources to match the 2031 horizon year for Idaho's redesignation request. The actual and projected emissions in the Utah portion of the Logan UT-ID $PM_{2.5}$ NAA are provided in Table 4 of this document. Table 5 of this document provides Idaho's projected emissions inventories for the entire Logan UT-ID $PM_{2.5}$ NAA, which is the combination of the values in Tables 3 and 4 of this document.

TABLE 4—UTAH PORTION OF THE LOGAN, UT-ID $PM_{2.5}$ NAA; ACTUAL EMISSIONS FROM 2017 AND PROJECTED EMISSIONS FOR 2026 AND 2031

[Pounds per average episodic winter day].

Year	Source category	$PM_{2.5}$ condensable	$PM_{2.5}$ filterable	NO_X	SO_2	VOC	NH_3
2017	Area	1.83	1,198.17	1,840	60	7,600	26,960
2017	Mobile	.....	460	7,520	40	4,920	200
2017	Nonroad	.....	200	1,580	.....	4,380	.....
2017	Total	1.83	1,858.17	10,940	100	16,900	27,160
2026	Area	2.09	1,277.91	1,400	60	7,760	26,540
2026	Mobile	.....	260	3,040	20	2,780	180
2026	Nonroad	.....	120	1,180	.....	2,540	.....
2026	Total	2.09	1,657.91	5,620	80	13,080	26,720
2031	Area	2.29	1,311.04	1,411.11	60	8,215.56	26,362.22
2031	Mobile	.....	326.67	3,306.67	20	3,357.78	191.11
2031	Nonroad	.....	108.89	1,157.78	.....	2,284.44	.....
2031	Total	2.29	1,746.6	5,875.56	80	13,857.78	26,553.33
Projected change (%)	.....	25.2	−6.0	−46.3	−20	−18.0	−0.02

TABLE 5—ENTIRE LOGAN, UT-ID $PM_{2.5}$ NAA; ACTUAL EMISSIONS FROM 2017 AND PROJECTED EMISSIONS FOR 2026 AND 2031

[Pounds per winter day]

Year	Source category	$PM_{2.5}$ condensable	$PM_{2.5}$ filterable	NO_X	SO_2	VOC	NH_3
2017	Area	11.55	1,406.94	2,178.76	88.27	9,226.45	27,828.63
2017	Mobile	.....	587.3	8,477.7	41.94	5,821.24	213.76
2017	Nonroad	.....	242.48	1,866.57	0.76	5,569.08	0.66
2017	Total	11.55	2,236.72	12,523.03	130.97	20,616.77	28,043.05
2026	Area	11.98	1,500.33	1,763.48	88.58	9,821.12	27,412.08
2026	Mobile	.....	369.36	3,461.84	22	3,313.12	192.55
2026	Nonroad	.....	151.19	1,482.79	0.77	3,316.4	0.66
2026	Total	11.98	2,020.88	6,708.11	111.35	16,450.64	27,605.29
2031	Area	12.26	1,541.06	1,788.33	88.75	10,518.17	27,236.22
2031	Mobile	.....	437.21	3,603.94	22.05	3,754.04	204.32
2031	Nonroad	.....	138.73	1,464.52	.78	3,016.94	0.67
2031	Total	12.26	2,117	6,856.79	111.58	17,289.15	27,441.21
Projected change (%)	.....	6.1	−5.4	−45.2	−14.8	−16.1	−2.1

Based our review of the emissions inventories Idaho provided in its September 13, 2019 submittal, shown in Tables 3 through 5 of this document, we propose to find that Idaho prepared an adequate attainment inventory for the Logan, UT-ID $PM_{2.5}$ NAA.[17]

[17] ''Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter

2. Maintenance Demonstration

CAA section 175A requires a state seeking redesignation to attainment to submit a SIP revision to provide for the maintenance of the NAAQS in the area ''for at least 10 years after the redesignation.'' A state can make this demonstration by either showing that future emissions of a pollutant or its precursors will not exceed the level of the attainment inventory, or by modeling to show that the future mix of sources and emissions rates will not cause a violation of the NAAQS. *See* Calcagni Memo, pages 9–10. Idaho elected to demonstrate maintenance of the 2006 $PM_{2.5}$ NAAQS for at least ten years following redesignation using the attainment inventory method.

IDEQ developed projected inventories, provided in Tables 3 through 5 of this document, to show that the Logan UT-ID area will remain in attainment through the year 2031. These projected inventories, covering an interim year of 2026 and a horizon year of 2031, show that future emissions of NO_X, SO_2, VOCs, ammonia, and direct $PM_{2.5}$ throughout the NAA will remain at or below the 2017 attainment-level emissions for the 2006 24-hour $PM_{2.5}$ NAAQS. As these inventories show, emissions from NO_X, SO_2, VOCs and NH_3 are projected to decrease between 2017 and 2031 (Table 5 of this document). The emissions of direct filterable $PM_{2.5}$ are projected to decline by 5.4% by 2031 (Table 5 of this document).

Although emissions from condensable $PM_{2.5}$ increase by 6.1% by 2031, Idaho adequately demonstrated that this increase will not prevent maintenance of the NAAQS through 2031. The condensable fraction of $PM_{2.5}$ is 0.6% of the total $PM_{2.5}$-Primary levels projected for 2031. As depicted in Table 5 of this document, the total condensable $PM_{2.5}$ emissions are projected to increase by 0.71 pounds per winter day between 2017 and 2031, while total filterable $PM_{2.5}$ emissions are projected to decrease by 119.72 pounds per winter day over the same time period. Overall, total $PM_{2.5}$ (sum of filterable and condensable $PM_{2.5}$) is projected to decrease by 5.3% from 2017 to 2031.

EPA has reviewed the documentation provided by Idaho for developing the 2026 and 2031 emissions inventories for the Logan UT-ID $PM_{2.5}$ NAA. Based on our review, EPA finds that the emissions inventories were prepared in accordance with EPA requirements. These inventories indicate a decrease in $PM_{2.5}$ and precursor emissions throughout the maintenance period, therefore EPA is proposing to determine that the projected emissions inventories in the Idaho maintenance plan sufficiently demonstrate that the Logan UT-ID $PM_{2.5}$ NAA will continue to maintain the 2006 24-hour $PM_{2.5}$ standard throughout the maintenance period.

3. Monitoring Network

Once a NAA has been redesignated to attainment, the state must continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR part 58, to verify the attainment status of the area.[18] The maintenance plan should contain provisions for continued operation of air quality monitors that will provide such verification. In the maintenance plan, IDEQ noted that it currently operates a regulatory monitor (the Preston monitor) in the Idaho portion of the Logan, UT-ID $PM_{2.5}$ NAA, and committed to continue operating a regulatory monitoring network in Franklin County in order to verify continued attainment of the $PM_{2.5}$ NAAQS and track the progress of the maintenance plan. IDEQ also stated that it will work with EPA each year through the air monitoring network review process (per 40 CFR part 58) to determine the adequacy of the monitoring network.[19] EPA proposes to determine that the maintenance plan contains adequate provisions for continued operation of an air quality monitoring network to verify maintenance of the 2006 $PM_{2.5}$ NAAQS.

4. Verification of Continued Attainment

As stated in Section III.D.3 of this document, in its maintenance plan, Idaho commits to continue to operate a regulatory monitoring network in order to verify continued attainment of the $PM_{2.5}$ NAAQS in the Idaho portion of the Logan UT-ID area. Idaho is also required to periodically update the emissions inventory for Franklin County in accordance with the Annual Air Emissions Reporting Requirements Rule (AERR) during the maintenance plan period. This includes developing annual inventories for major point sources and a comprehensive periodic inventory covering all source categories every three years.

5. Contingency Plan

CAA section 175A(d) requires that a maintenance plan also include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area to attainment. For the purposes of CAA section 175A, a state is not required to have fully adopted contingency measures that will take effect without further action by the state in order for the maintenance plan to be approved. However, the contingency plan is an enforceable part of the SIP and should ensure that contingency measures are adopted expeditiously once they are triggered. The plan should discuss the measures to be adopted and a schedule and procedure for adoption and implementation. The contingency plan must require that the state will implement all measures contained in the Part D nonattainment plan for the area prior to redesignation. The state should also identify the specific indicators, or triggers, which will be used to determine when the contingency plan will be implemented.

Idaho's maintenance plan outlines the procedures for the adoption and implementation of contingency measures to further reduce emissions should a violation occur. Idaho's contingency measures include a warning level response and an action level response. An initial warning level response is triggered for the 2006 24-hour $PM_{2.5}$ NAAQS when the 98th percentile 24-hour $PM_{2.5}$ concentration for a single calendar year reaches 35.5 $\mu g/m^3$ or greater within the area. An action level response will be prompted by any one of the following: (1) A two year average of the 98th percentile reaches 35.5 $\mu g/m^3$ or greater within the area; or (2) a violation of the standard occurs in the area (*i.e.* a three-year average of the 98th percentile reaches 35.5 $\mu g/m^3$ or greater).

Regardless of which level of response is triggered, the State will evaluate all appropriate data including air quality data, evaluation of wood smoke programs and information on wildfires or winter power outages to determine the cause of the exceedance. IDEQ will perform this evaluation within six months of the end of the year in which the NAAQS is exceeded or violated. Should a warning level response be triggered, and IDEQ determines that additional emissions reductions are necessary, the State will adopt and implement contingency measures as expeditiously as possible and no later than 18 months from the determination of a single year exceedance based on quality assured data. Should an action

National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations,'' May 2017.

[18] As stated, Utah and Idaho signed an MOU to collectively meet the monitoring requirements of 40 CFR part 58, Appendix D in the Logan UT-ID MSA on September 1, 2020.

[19] See EPA's November 9, 2020 approval of Idaho's 2020 Annual Monitoring Network Plan, in the docket for this action.

level response be triggered, implementation of necessary control measures will take place as expeditiously as possible, but in no event later than 18 months after IDEQ determines, based on quality-assured ambient data, that an action level trigger has been exceeded.

Idaho has identified the following potential contingency measures for the maintenance plan:

- Measures to address emissions from residential wood combustion, including the potential implementation of a burn ban in the maintenance area at a lower threshold than currently in place in the ordinances for the six cities in the Idaho portion of the Logan UT-ID $PM_{2.5}$ NAA. The current ordinances trigger a burn ban when the Air Quality Index (AQI) level reaches 75.
- Additional measures to address other $PM_{2.5}$ sources identified in the emissions inventory such as on-road and nonroad vehicles, industrial sources, and dust.

Based on our analysis of Idaho's submittal, we propose to find that the contingency measure provisions provided in Idaho's Logan, UT-ID $PM_{2.5}$ maintenance plan are sufficient and meet the requirements of CAA section 175A(d).

E. Requirements for Transportation Conformity and Motor Vehicle Emissions Budgets (MVEBs).

Transportation conformity is required by CAA section 176(c). EPA's conformity rule at 40 CFR part 93, subpart A requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they conform. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS. Thus, EPA's conformity rule requires a demonstration that emissions from a Metropolitan Planning Organization's (MPO's) Regional Transportation Plan and Transportation Improvement Program, involving Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funding or approval, are consistent with the MVEB(s) contained in a control strategy SIP revision or maintenance plan (40 CFR 93.101, 93.118, and 93.124). A MVEB is the level of mobile source emissions of a pollutant relied upon in the attainment or maintenance demonstration to attain or maintain compliance with the NAAQS in the nonattainment or maintenance area.

A $PM_{2.5}$ maintenance plan should identify MVEBs for direct $PM_{2.5}$, NO_X and all other $PM_{2.5}$ precursors from on-road mobile source emissions that are determined to significantly contribute to $PM_{2.5}$ levels in the area.[20] To determine which precursor pollutants are required to have an MVEB, IDEQ reviewed $PM_{2.5}$ speciation at the Franklin monitor. Based on $PM_{2.5}$ speciation data and the local emissions inventory composition for each pollutant, IDEQ determined that in addition to NO_X and direct $PM_{2.5}$, the maintenance plan should also include an MVEB for VOCs because they are important precursors to secondary formation $PM_{2.5}$. The State excluded direct $PM_{2.5}$ emissions from paved road dust from the MVEBs in accordance with 40 CFR 93.102(b)(3), as these emissions made up only 1% of total wintertime contributions at the Franklin monitor. Vehicle emissions of SO_2 and NH_3 were also found to contribute minimally to $PM_{2.5}$ in the area and therefore the maintenance plan does not include MVEBs for these precursors in accordance with 40 CFR 93.102(b)(2)(v). See Section 6 of Idaho's maintenance plan, in the docket for this action, for further analysis of the pollutants and precursors and the decisions on whether or not MVEBs were required for the individual pollutants and precursors.

The MVEBs for 2031 are identical to the on-road mobile source emissions inventory provided for direct $PM_{2.5}$, NO_X and VOCs in Table 1 (in Section II.D.1 of this document) of this proposed action for that year, except that the 2031 direct $PM_{2.5}$ budget does not include paved road dust. As stated in that section, IDEQ used EPA's MOVES2014b model to develop vehicle emissions estimates for 2031, which were recalculated into tons per day (from lbs per day) for the 2031 MVEBs.

Based on its analysis, IDEQ set the mobile source emissions budgets for 2031 provided in Table 6 of this proposed action, as part of the September 13, 2019 maintenance plan submission. The previously approved 2017 MVEBs (see 85 FR 9664, February 20, 2020), are included in Table 6. According to EPA's conformity rule, the emissions budget acts as a ceiling on emissions in the year for which it is defined or until a SIP revision modifies the budget.[21]

TABLE 6—2017 AND 2031 MVEBS FOR THE IDAHO PORTION OF THE LOGAN UT-ID $PM_{2.5}$ NAA

Year	Motor vehicle emissions budget (tpd)		
	Direct $PM_{2.5}$	NO_X	VOC
2017	.029	.544	.467
2031	.009	.149	.198

We propose to find that Idaho has evaluated the appropriate pollutants and precursors and appropriately established MVEBs for direct $PM_{2.5}$, NO_X and VOCs. Idaho used the most up-to-date model (MOVES2014b) available at the time of submission in order to appropriately calculate these budgets.[22] The MVEBs are based on the control measures in the maintenance plan and consistent with maintaining the 2006 24-hour $PM_{2.5}$ NAAQS. Based on our review of Idaho's 2031 MVEBs, we are proposing to approve the budgets.

IV. Proposed Action

EPA is proposing to redesignate the Idaho portion of the Logan UT-ID $PM_{2.5}$ NAA, and proposing to approve the associated maintenance plan for the area. If this proposal is finalized, the designation status of the Idaho portion of the Logan, UT-ID $PM_{2.5}$ NAA under 40 CFR part 81 will be revised to attainment upon the effective date of that final action.

V. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section

[20] See 40 CFR 93.102(b)(2)(iv)–(v) and (b)(3).

[21] See 40 CFR 93.118.

[22] See document titled ''EPA R10 MVEB and MOVES TSD'' in the docket for this proposed action (EPA–R10–OAR–2020–0190) on *www.regulations.gov.*

107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those already imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on tribes, impact any existing sources of air pollution on tribal lands, nor impair the maintenance of ozone national ambient air quality standards in tribal lands.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 9, 2021.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2021–03031 Filed 2–16–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 281

[EPA–R05–UST–2020–0685; FRL–10020–06–Region 5]

Indiana: Final Approval of State Underground Storage Tank Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Resource Conservation and Recovery Act (RCRA or Act), the Environmental Protection Agency (EPA) proposes to take direct final action to approve revisions to the State of Indiana's Underground Storage Tank (UST) program submitted by the State. This action is based on EPA's determination that the State's revisions satisfy all requirements needed for UST program approval. In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the changes by direct final rule because we believe this action is not controversial and do not expect comments that oppose it.

DATES: Send written comments by March 19, 2021.

ADDRESSES: Submit your comments, identified by EPA–R05–UST–2020–0685 by one of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments.

2. *Email: Kamke.Sherry@epa.gov.*

Instructions: Direct your comments to Docket ID No. EPA–R05–UST–2020–0685. EPA's policy is that all comments received will be included in the public docket without change and may be available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov,* or email. The federal *https://www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

EPA encourages electronic submittals, but if you are unable to submit electronically, please reach out to EPA contact person listed in the notice for assistance with additional submission methods.

You can view and copy the documents that form the basis for this action and associated publicly available materials through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Sherry Kamke, Environmental Engineer, Corrective Action Section #3, Remediation Branch (LR–17J), EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–5794, *Kamke.Sherry@epa.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Region 5 office will be closed to the public to reduce the risk of transmitting COVID–19. We encourage the public to submit comments via *https://www.regulations.gov* or via email. Please call or email the contact listed above if you need alternative means to access the material provided in the docket.

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the State's UST program submittal as a direct rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated. If EPA receives relevant adverse comments, the direct final rule will be withdrawn, and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. For additional information, see the direct final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

Authority: This rule is issued under the authority of Sections 2002(a), 9004, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

Dated: February 9, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

[FR Doc. 2021–03169 Filed 2–16–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket No. 17–97; FCC 21–15; FRS 17458]

Call Authentication Trust Anchor

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) seeks comment on a proposal to create a limited role for the Commission to oversee certificate revocation decisions by the private STIR/SHAKEN governance system that would have the effect of placing voice service providers in noncompliance with our rules.

DATES: Comments are due on or before March 19, 2021; reply Comments are due on or before April 19, 2021. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before February 17, 2021.

ADDRESSES: Comments and reply comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998). Interested parties may file comments or reply comments, identified by WC Docket No. 17–97 by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20–304 (March 19, 2020). *https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy.*

In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act proposed information collection requirements contained herein should be submitted to the Federal Communications Commission via email to *PRA@fcc.gov* and comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently Under Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number.

FOR FURTHER INFORMATION CONTACT: For further information, please contact Connor Ferraro, Competition Policy Division, Wireline Competition Bureau, at *Connor.Ferraro@fcc.gov* or at (202) 418–1322. For additional information concerning the Paperwork Reduction Act proposed information collection requirements contained in this document, send an email to *PRA@fcc.gov* or contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Further Notice of Proposed Rulemaking in WC Docket No. 17–97, FCC 21–15, adopted on January 13, 2021, and released on January 14, 2021. The full text of this document is available for public inspection at the following internet address: *https://docs.fcc.gov/public/attachments/FCC-21-15A1.pdf.* To request materials in accessible formats for people with disabilities (*e.g.,* braille, large print, electronic files, audio format, etc.) or to request reasonable accommodations (*e.g.,* accessible format documents, sign language interpreters, CART, etc.), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice) or (202) 418–0432 (TTY).

This document contains proposed information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the

functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) way to further reduce the information collection burden on small business concerns with fewer than 25 employees. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

OMB Control Number: 3060–XXXX.

Title: Secure Telephone Identity Governance Authority Token Revocation Review Process.

Form Number: N/A.

Type of Review: New information collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 50 respondents; 50 responses.

Estimated Time per Response: 24 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Mandatory and required to obtain or retain benefits. The statutory authority for these collections are contained in 47 U.S.C. 227b, 251(e), and 227(e) of the Communications Act of 1934.

Total Annual Burden: 1,200 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission will consider the potential confidentiality of any information submitted, particularly where public release of such information could raise security concerns (*e.g.,* granular location information). Respondents may request materials or information submitted to the Commission or to the Administrator be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

Synopsis

I. Introduction

1. As part of the Commission's multi-pronged approach to combat illegal robocalls, the Commission has promoted the implementation of STIR/SHAKEN, a caller ID authentication framework. STIR/SHAKEN is a set of industry-created technological standards that help to prevent illegally ''spoofed'' calls. Spoofing is a practice that involves the falsifying of caller ID information and it is particularly nefarious when bad actors spoof calls to trick unsuspecting Americans into thinking that calls they make are trustworthy because the caller ID information appears as if the call came from a neighbor or a familiar or reputable source.

2. In March, acting pursuant to the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act), the Commission required voice service providers to implement the STIR/SHAKEN call authentication technology in the internet protocol (IP) portions of their phone networks by June 30, 2021. The Commission completed implementation of the TRACED Act with respect to STIR/SHAKEN in September and required intermediate providers to facilitate caller ID authentication.

3. Today, we propose a limited role for the Commission to oversee certificate revocation decisions by the private STIR/SHAKEN Governance Authority that would have the effect of placing providers in noncompliance with our rules. We anticipate that exercising an oversight role would provide necessary due process to parties that may be rendered noncompliant with our rules by the actions of a private entity without unduly interfering with the well-functioning multi-stakeholder private STIR/SHAKEN governance processes.

II. Background

4. To address the issue of illegal caller ID spoofing, technologists from the internet Engineering Task Force (IETF) and the Alliance for Telecommunications Industry Solutions (ATIS) developed standards to allow for the authentication and verification of caller ID information for calls carried over IP networks. The result of their efforts is the STIR/SHAKEN call authentication framework, which allows for the caller ID information to securely travel with the call itself throughout the entire length of the call path. A key component to the STIR/SHAKEN framework is the transmission of a digital ''certificate'' along with the call. This certificate essentially states that the voice service provider authenticating the caller ID information is the voice service provider it claims to be, it is authorized to authenticate this information and, thus, the voice service provider's claims about the caller ID information can be trusted. To maintain trust and accountability in the voice service providers that vouch for the caller ID information, a neutral governance system issues the certificates.

5. The STIR/SHAKEN governance system is comprised of several different entities fulfilling specialized roles. The Governance Authority, managed by a board consisting of representatives from across the voice service industry, defines the policies and procedures for which entities can issue or acquire certificates. The Policy Administrator applies the rules set by the Governance Authority, confirms that certification authorities are authorized to issue certificates, and confirms that voice service providers are authorized to request and receive certificates. Certification Authorities, of which there are several, issue the certificates used to authenticate and verify calls. And finally, the voice service providers themselves, which, when acting as call initiators, select an approved certification authority from which to request a certificate, and when acting as call recipients, check with certification authorities to ensure that the certificates they receive were issued by the correct certification authority.

6. To receive a digital certificate, a voice service provider must first apply to the Policy Administrator for a Service Provider Code (SPC) token. To obtain an SPC token, the Governance Authority policy requires that a voice service provider must (1) have a current FCC Form 499A on file with the Commission, (2) have been assigned an Operating Company Number (OCN), and (3) have direct access to telephone numbers from the North American Numbering Plan Administrator (NANPA) and the National Pooling Administrator. The SPC token then permits the voice service provider to

obtain the digital certificates it will use to authenticate calls from one of the approved Certification Authorities. The SPC token therefore is a prerequisite for a voice service provider to participate in the STIR/SHAKEN ecosystem, and management of token access is the mechanism by which the Policy Administrator and Governance Authority protect the system from abuse and misuse. On November 18, 2020, the Governance Authority announced an update to its Service Provider Code (SPC) Token Access Policy. Under the revised policy, an entity will no longer need direct access to telephone numbers; in place of that requirement, an entity will need to have certified with the Commission that they have implemented STIR/SHAKEN or comply with the Robocall Mitigation Program requirements and are listed in the Commission database. The Governance Authority provided that the revised policy will be effective upon the Commission's Robocall Mitigation Certification filing deadline and that, until then, the current SPC Token Access Policy remains in effect.

7. The Policy Administrator grants SPC tokens to eligible voice service providers conditioned on the execution of a signed agreement with each voice service provider, stating that the voice service provider will follow the appropriate standards. This agreement establishes that if the Policy Administrator deems the voice service provider to be in breach, it has the authority to suspend or revoke a voice service provider's SPC token. The Governance Authority possesses sole authority to direct the Policy Administrator to revoke an SPC token, except in limited circumstances where the Policy Administrator may perform such actions on its own initiative, reviewable by the Governance Authority. In the Service Provider Token Revocation Policy, the Governance Authority lists the reasons for which an SPC token may be revoked: (1) In the situation of compromised credentials, *i.e.,* a voice service provider's private key has been lost, stolen, or compromised, or a certification authority has been compromised; (2) the voice service provider exits the ecosystem; (3) the voice service provider failed to adhere to the policy and technical requirements of the system, including the SPC Token Access Policy, funding requirements, or technical specifications regarding the use of STIR/SHAKEN; or (4) when directed by a court, the Commission, or another body with relevant legal authority due to a violation of Federal law related to caller ID authentication. When a service provider's credentials are compromised or it exits the ecosystem (the former two scenarios), the Policy Administrator may revoke a service provider's SPC token without prior direction from the Governance Authority because in either circumstance there will be no question as to its appropriateness. However, when a service provider fails to adhere to a policy or technical requirement, or at the direction of a court, the Commission, or another relevant legal authority (the latter two scenarios), the Governance Authority conducts the revocation process according to the process outlined in the Service Provider Token Revocation Policy.

8. Before the Governance Authority revokes an SPC token due to a voice service provider's violation of a policy, technical, or legal requirement, the Governance Authority follows a multi-step process described by the Service Provider Token Revocation Policy, which allows the voice service provider to respond to the alleged infraction and appeal any adverse decision according to the Governance Authority's operating procedures. According to the Service Provider Token Revocation Policy, a voice service provider, the Policy Administrator, a Certification Authority, or a regulatory agency may report a potential issue to the Governance Authority via a complaint. Next, the Governance Authority will conduct a formal review of the complaint and gather additional information. The Governance Authority Board then votes on whether to revoke the token, requiring a two thirds vote of the Governance Authority Board to approve the revocation. The affected service provider may appeal an adverse decision by the Governance Authority through a formal appeal process outlined in the Governance Authority's Operating Procedures. In addition to the Governance Authority reviewing the complaint and issuing a written response, the formal appeal process includes the potential for a hearing before an independent panel of three individuals. Following a hearing, the appeals panel issues a written decision stating its findings of fact, conclusions, and the reasoning for its conclusions. If a voice service provider loses the appeal, or chooses not to appeal, it may seek reinstatement to the STIR/SHAKEN ecosystem if the Governance Authority approves of its plan of action to remedy the issue or issues underlying the token revocation. The Commission is aware of the timing discrepancy between the appeal process as described in the Reinstatement Policy and the STI–GA Operating Procedures, and we encourage the STI–GA to further clarify the timing for each.

9. In the *First Caller ID Authentication Report and Order and Further Notice,* the Commission declined to impose new regulations on the STIR/SHAKEN governance structure. The Commission reasoned, in part, that the Commission did yet not know the nature and scope of the type of problems that may arise that would require Commission intervention.

III. Discussion

10. Although we continue to refrain from unduly intruding upon the private STIR/SHAKEN governance structure, in this Further Notice we preliminarily conclude that it is important for the Commission to have a role in reviewing the Governance Authority's decisions to revoke a voice service provider's SPC token because such decisions will have the effect of placing the voice service provider out of compliance with our rules. Specifically, we propose to establish an oversight role for the Commission over the Governance Authority's token revocation decisions similar to the one we hold in the context of decisions by the Universal Service Administrative Company (USAC). Under our universal service appeals rules, after first seeking internal review by USAC, an aggrieved party may seek review of USAC's decision by the Commission. Our proposed rules would follow this same format and allow review by the Wireline Competition Bureau, except for requests for review that raise ''novel questions of fact, law or policy,'' which would be considered by the full Commission. We seek comment on this proposal.

11. In more detail, we propose to adopt similar procedural and timing requirements as in our universal service rules. We propose that any voice service provider that has its SPC token revoked by the Governance Authority, must first, before appealing that decision to the Commission, exhaust all review of this decision by the Governance Authority, including completing the formal appeal process outlined in the Governance Authority's Operating Procedures and described above. We believe that the Governance Authority's robust review procedures will enable the dispute to fully develop before potentially reaching the Commission, thereby making it easier for the Commission to identify the relevant facts and issues. Do commenters agree? Are there any reasons we should allow for appeals of interim or other relief to the Commission before the full Governance

Authority process has been completed? If so, how should such a procedure work? Are there any entities other than the affected voice service providers that we should allow to take advantage of such appeal or other procedures?

12. We propose to give a voice service provider 60 days after the Governance Authority upholds its adverse decision to request review by the Commission and to apply the time periods for filing oppositions and replies set forth in § 1.45 of our rules. Do commenters agree that we should adopt these filing deadlines? Are there reasons relevant to the SPC token revocation context to allow service providers more or less time than parties are provided under those rules? Should we require or allow the Governance Authority to file a statement in opposition to the request for review?

13. We further propose to require requests for review to be filed within the Commission's Electronic Comment Filing System, in a dedicated inbox available to the public and be captioned with the name of the party. Accordingly, we propose to direct the Wireline Competition Bureau to establish a new docket for these appeals. Next, we propose that the request for review, at a minimum, contain: (1) A statement setting forth the voice service provider's asserted basis for appealing the Governance Authority's decision to revoke the SPC token; (2) a full statement of relevant, material facts with supporting affidavits and documentation, including any background information the voice service provider deems useful to the Commission's review; and (3) the question presented for review, with reference, where appropriate, to any underlying Commission rule or Governance Authority policy. These three criteria closely track our universal service rules. In contrast to our universal service rules, however, we propose not to require that requests for review include a statement of the relief sought because we assume that the relief sought will always be the reversal of the Governance Authority's revocation decision. We seek comment on these proposed filing requirements and on what other information we should require a voice service provider include in a request for review. And we propose to require that a copy of the request for review be sent to the Governance Authority via *sti-ga@atis.org* or another method specified in the Governance Authority's Operating Procedures. We further propose to require the Governance Authority, upon receipt of a copy of a voice service provider's request for review, to send to the Bureau the full record of the SPC token revocation appeal, including the written decision. We seek comment on these proposed processes. What specific information should the Commission require the Governance Authority to provide? How should we address requests for confidentiality, and should we treat any filings as presumptively confidential by default? Are there any other ways in which we should depart from our established process for universal service appeals? We believe that the reporting costs imposed upon the Governance Authority by the process we propose would be minimal, and we seek comment on this view.

14. We further propose that throughout the period of review, until the Commission or Bureau issue an initial decision, a voice service provider will not be judged to be in violation of our § 64.6301 rules or the TRACED Act. We seek comment on these proposals. Is this the appropriate status for a voice service provider to maintain throughout the review process? Should we allow the voice service provider to maintain possession and use of its SPC token until the Bureau or Commission has reached a decision? Are there are other relevant procedural requirements that we should adopt? We also propose that should the Bureau or the Commission uphold or otherwise decide not to overturn the Governance Authority's decision, a voice service provider will not maintain the right to use its SPC token by filing a petition for reconsideration or application for review, in the absence of a stay of the action of the Bureau or the Commission. We seek comment on this proposal. Given the novelty and potential complexity of revocation appeals, at this time we do not propose to impose a time limit on Bureau or Commission review, and we seek comment on this preliminary view.

15. We propose that the standard of review by either the Bureau or the Commission be *de novo.* Do commenters agree? We also seek comment on the rules or other sources of law the Bureau or the Commission should apply when reviewing a revocation. Should we incorporate by reference the policies established by the Governance Authority regarding token revocation and determine whether the Governance Authority applied those policies correctly to the facts of a given appeal? Alternatively, do commenters believe we should limit our review merely to specific types of procedural or obvious error in the Governance Authority's process?

16. To establish this process, we propose relying on the authority Congress provided to the Commission under section 4(b)(1) of the TRACED Act to require the implementation of the STIR/SHAKEN framework. We believe that the proposed appeal process would be consistent with this authority with minimal cost to the industry. We seek comment on this proposal, and whether we have independent authority under section 251(e) of the Communications Act or under the Truth in Caller ID Act or other statutory provisions.

IV. Procedural Matters

17. *Ex Parte Rules.* This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with Rule 1.1206(b). In proceedings governed by Rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

18. *Initial Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared

this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this *Second Further Notice of Proposed Rulemaking (Second Further Notice).* The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the *Second Further Notice.* The Commission will send a copy of the *Second Further Notice,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *Second Further Notice* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

19. The *Second Further Notice* proposes measures as part of the Commission's efforts to combat illegal spoofed robocalls. Specifically, the *Second Further Notice* proposes to establish an oversight role for the Commission of the STIR/SHAKEN governance system's token revocation process. Under the proposal, any voice service provider that has its Service Provider Code token revoked may seek review of this decision by the Commission through set procedures. The proposal in the *Second Further Notice* will help promote effective caller ID authentication through STIR/SHAKEN.

B. Legal Basis

20. The *Second Further Notice* proposes to find authority for these proposed rules under TRACED Act. Section 4(b)(1) of the TRACED Act provided authority to require the implementation of the STIR/SHAKEN framework. We preliminarily believe that to effectively direct the implementation of STIR/SHAKEN consistent with the TRACED Act, the Commission must have a role in decisions to revoke Service Provider Code tokens because the result of such a decision could place the service provider in noncompliance with our rules. The *Second Further Notice* seeks comment on whether we have independent authority under section 251(e) of the Communications Act of 1934, as amended (the Act), under the Truth in Caller ID Act, or any other sources of authority.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

21. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules and by the rule revisions on which the Notice seeks comment, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. A ''small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

1. Wireline Carriers

22. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

23. *Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated for the entire year. Of that total, 3,083 operated with fewer than 1,000 employees. Thus under this category and the associated size standard, the Commission estimates that the majority of local exchange carriers are small entities.

24. *Incumbent LECs.* Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 indicate that 3,117 firms operated the entire year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by our actions. According to Commission data, one thousand three hundred and seven (1,307) Incumbent Local Exchange Carriers reported that they were incumbent local exchange service providers. Of this total, an estimated 1,006 have 1,500 or fewer employees. Thus, using the SBA's size standard the majority of incumbent LECs can be considered small entities.

25. *Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers.* Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate NAICS Code category is Wired Telecommunications Carriers and under that size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 indicate that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. Based on these data, the Commission concludes that the majority of Competitive LECS, CAPs, Shared-Tenant Service Providers, and Other Local Service Providers, are small entities. According to Commission data, 1,442 carriers reported that they were engaged in the provision of either competitive local exchange services or competitive access provider services. Of these 1,442 carriers, an estimated 1,256 have 1,500 or fewer employees. In addition, 17 carriers have reported that they are Shared-Tenant Service Providers, and all 17 are estimated to have 1,500 or fewer employees. Also, 72

carriers have reported that they are Other Local Service Providers. Of this total, 70 have 1,500 or fewer employees. Consequently, based on internally researched FCC data, the Commission estimates that most providers of competitive local exchange service, competitive access providers, Shared-Tenant Service Providers, and Other Local Service Providers are small entities.

26. We have included small incumbent LECs in this present RFA analysis. As noted above, a ''small business'' under the RFA is one that, *inter alia,* meets the pertinent small-business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees) and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

27. *Interexchange Carriers (IXCs).* Neither the Commission nor the SBA has developed a small business size standard specifically for Interexchange Carriers. The closest applicable NAICS Code category is Wired Telecommunications Carriers. The applicable size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 indicate that 3,117 firms operated for the entire year. Of that number, 3,083 operated with fewer than 1,000 employees. According to internally developed Commission data, 359 companies reported that their primary telecommunications service activity was the provision of interexchange services. Of this total, an estimated 317 have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of interexchange service providers are small entities.

28. *Cable System Operators (Telecom Act Standard).* The Communications Act of 1934, as amended, also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' As of 2018, there were approximately 50,504,624 cable video subscribers in the United States. Accordingly, an operator serving fewer than 505,046 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate. We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million. Therefore we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under *the* definition in the Communications Act.

2. Wireless Carriers

29. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms employed fewer than 1,000 employees and 12 firms employed of 1,000 employees or more. Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities.

30. The Commission's own data—available in its Universal Licensing System—indicate that, as of August 31, 2018 there are 265 Cellular licensees that will be affected by our actions. The Commission does not know how many of these licensees are small, as the Commission does not collect that information for these types of entities. Similarly, according to internally developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) Telephony services. Of this total, an estimated 261 have 1,500 or fewer employees, and 152 have more than 1,500 employees. Thus, using available data, we estimate that the majority of wireless firms can be considered small.

31. *Satellite Telecommunications.* This category comprises firms ''primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.'' Satellite telecommunications service providers include satellite and earth station operators. The category has a small business size standard of $35 million or less in average annual receipts, under SBA rules. For this category, U.S. Census Bureau data for 2012 show that there were a total of 333 firms that operated for the entire year. Of this total, 299 firms had annual receipts of less than $25 million. Consequently, we estimate that the majority of satellite telecommunications providers are small entities.

3. Resellers

32. *Local Resellers.* The SBA has not developed a small business size standard specifically for Local Resellers. The SBA category of Telecommunications Resellers is the closest NAICs code category for local resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. Under the SBA's size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data from 2012 show that 1,341 firms provided resale services during that year. Of that number, all operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these resellers can be considered small entities. According to Commission data, 213 carriers have reported that they are engaged in the provision of local resale services. Of these, an estimated 211 have 1,500 or fewer employees and two have more than 1,500 employees. Consequently, the Commission estimates that the majority of local resellers are small entities.

33. *Toll Resellers.* The Commission has not developed a definition for Toll Resellers. The closest NAICS Code

Category is Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. MVNOs are included in this industry. The SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees. 2012 Census Bureau data show that 1,341 firms provided resale services during that year. Of that number, 1,341 operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these resellers can be considered small entities. According to Commission data, 881 carriers have reported that they are engaged in the provision of toll resale services. Of this total, an estimated 857 have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of toll resellers are small entities.

34. *Prepaid Calling Card Providers.* Neither the Commission nor the SBA has developed a small business definition specifically for prepaid calling card providers. The most appropriate NAICS code-based category for defining prepaid calling card providers is Telecommunications Resellers. This industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual networks operators (MVNOs) are included in this industry. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that 1,341 firms provided resale services during that year. Of that number, 1,341 operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these prepaid calling card providers can be considered small entities. According to Commission data, 193 carriers have reported that they are engaged in the provision of prepaid calling cards. All 193 carriers have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of prepaid calling card providers are small entities that may be affected by these rules.

4. Other Entities

35. *All Other Telecommunications.* The ''All Other Telecommunications'' category is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing internet services or voice over internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry. The SBA has developed a small business size standard for ''All Other Telecommunications'', which consists of all such firms with annual receipts of $35 million or less. For this category, U.S. Census Bureau data for 2012 show that there were 1,442 firms that operated for the entire year. Of those firms, a total of 1,400 had annual receipts less than $25 million and 15 firms had annual receipts of $25 million to $49,999,999. Thus, the Commission estimates that the majority of ''All Other Telecommunications'' firms potentially affected by our action can be considered small.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

36. None.

E. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

37. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rules for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.

38. The *Second Further Notice* invites comment on the proposal to establish an oversight role for the Commission within the STIR/SHAKEN governance system's token revocation process. The *Second Further Notice* proposes specific processes for the appeals process and seeks comment on alternatives to these proposed processes.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

39. None.

40. *Paperwork Reduction Act.* This document contains proposed new information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

41. *Contact person.* For further information about this proceeding, please contact Connor Ferraro, FCC Wireline Competition Bureau, Competition Policy Division at (202) 418–1322 or *connor.ferraro@fcc.gov.*

V. Ordering Clauses

42. *It is ordered,* pursuant to sections 4(i), 4(j), 201, 227(e), 227b, 251(e), and 303(r), of the Act, 47 U.S.C. 154(i), 154(j), 201, 227(e), 227b, 251(e), and 303(r), that that this *Second Further Notice of Proposed Rulemaking is adopted.*

43. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Second Further Notice of Proposed Rulemaking,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 64

Carrier equipment, Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. Amend subpart HH by adding § 64.6308 to read as follows:

§ 64.6308 Review of Governance Authority decision to revoke an SPC token.

(a) *Parties permitted to seek review of Governance Authority decision.* (1) Any intermediate provider or voice service provider aggrieved by a Governance Authority decision to revoke that intermediate provider or voice service provider's Service Provider Code (SPC) token, must seek review from the Governance Authority and complete the appeals process established by the Governance Authority prior to seeking Commission review.

(2) Any intermediate provider or voice service provider aggrieved by an action to revoke its SPC token taken by the Governance Authority, after exhausting the appeals process provided by the Governance Authority, may then seek review from the Commission, as set forth in this section.

(b) *Filing deadlines.* (1) An intermediate provider or voice service provider requesting Commission review of a Governance Authority decision to revoke that intermediate provider or voice service provider's SPC token by the Commission, shall file such a request electronically in the designated Electronic Comment Filing System (ECFS) inbox within sixty days from the date the Governance Authority issues its final decision.

(2) Parties shall adhere to the time periods for filing oppositions and replies set forth in § 1.45.

(c) *Filing requirements.* (1) A request for review of a Governance Authority decision to revoke an intermediate provider or voice service provider's SPC token by the Commission shall be filed electronically in the designated ECFS inbox. The request for review shall be captioned ''In the matter of Request for Review by (name of party seeking review) of Decision of the Governance Authority to Revoke an SPC Token.''

(2) A request for review shall contain:

(i) A statement setting forth the intermediate provider or voice service provider's asserted basis for appealing the Governance Authority's decision to revoke the SPC token;

(ii) A full statement of relevant, material facts with supporting affidavits and documentation, including any background information the intermediate provider or voice service provider deems useful to the Commission's review; and

(iii) The question presented for review, with reference, where appropriate, to any underlying Commission rule or Governance Authority policy.

(3) A copy of a request for review that is submitted to the Commission shall be served on the Governance Authority via *sti-ga@atis.org* or in accordance with any alternative delivery mechanism the Governance Authority may establish in its operating procedures.

(d) *Review by the Wireline Competition Bureau or the Commission.* (1) Requests for review of a Governance Authority decision to revoke an intermediate provider or voice service provider's SPC token that are submitted to the Commission shall be considered and acted upon by the Wireline Competition Bureau, which shall issue a written decision; provided, however, that requests for review that raise novel questions of fact, law, or policy shall be considered by the full Commission.

(2) An affected party may seek review of a decision issued under delegated authority by the Wireline Competition Bureau pursuant to the rules set forth in § 1.115.

(e) *Standard of review.* (1) The Wireline Competition Bureau shall conduct *de novo* review of Governance Authority decisions to revoke an intermediate provider or voice service provider's SPC token.

(2) The Commission shall conduct *de novo* review of Governance Authority decisions to revoke an intermediate provider or voice service provider's SPC token that involve novel questions of fact, law, or policy; provided, however, that the Commission shall not conduct *de novo* review of decisions issued by the Wireline Competition Bureau under delegated authority.

(f) *Status during pendency of a request for review and a Governance Authority decision.* (1) When an intermediate provider or voice service provider has sought timely Commission review of a Governance Authority decision to revoke an intermediate provider or voice service provider's SPC token under this section, the intermediate provider or voice service provider shall not be considered to be in violation of the Commission's call authentication rules under § 64.6301 until and unless the Wireline Competition Bureau or the Commission, pursuant to paragraph (d)(1) of this section, has upheld or otherwise decided not to overturn the Governance Authority's decision.

(2) In accordance with §§ 1.102(b) and 1.106(n), the effective date of any action pursuant to paragraph (d) of this section shall not be stayed absent order by the Wireline Competition Bureau or the Commission.

[FR Doc. 2021–03043 Filed 2–16–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 210208–0016; RTID 0648–XX065]

Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Proposed 2021–2026 Fishing Quotas

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes status quo commercial quotas for the Atlantic surfclam and ocean quahog fisheries for 2021 and projected status quo quotas for 2022–2026. This action is necessary to establish allowable harvest levels of Atlantic surfclams and ocean quahogs that will prevent overfishing and allow harvesting of optimum yield. This action would also continue to suspend the minimum shell size for Atlantic surfclams for the 2021 fishing year. The intended effect of this action is to provide benefit to the industry from stable quotas to maintain a consistent market.

DATES: Comments must be received by March 4, 2021.

ADDRESSES: An Environmental Assessment (EA) was prepared for the surfclam and ocean quahog specifications. Copies of the EA are available on request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. These documents are also accessible via the internet at *http://www.mafmc.org.*

You may submit comments on this document, identified by NOAA–NMFS–2020–0152, by the following method:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0152,*

2. Click the ''Comment Now!'' icon, complete the required fields, and

3. Enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). If you are unable to submit your comment through *www.regulations.gov,* contact Laura Hansen, Fishery Management Specialist.

FOR FURTHER INFORMATION CONTACT: Laura Hansen, Fishery Management Specialist, 978–281–9225.

SUPPLEMENTARY INFORMATION: The Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP) requires that NMFS, in consultation with the Mid-Atlantic Fishery Management Council, set quotas for surfclam and ocean quahog for up to a 3-year period. It is the policy of the Council that the catch limit allow for sustainable fishing to continue at that level for at least 10 years for surfclams, and 30 years for ocean quahogs. The Council policy also considers the economic impact of the quotas. Regulations implementing Amendment 10 to the FMP (63 FR 27481; May 19, 1998) added Maine ocean quahogs (locally known as Maine mahogany quahogs) to the management unit and provided for a small artisanal fishery for ocean quahogs in the waters north of 43°50′ N lat. The Maine ocean quahog quota is allocated separately from the quota for the ocean quahog fishery. Regulations implementing Amendment 13 to the FMP (68 FR 69970; December 16, 2003) established the ability to propose multi-year quotas with an annual quota review to be conducted by the Council to determine if the multi-year quota specifications remain appropriate for each year. NMFS then publishes the annual final quotas in the **Federal Register**. The fishing quotas must ensure overfishing will not occur. In recommending these quotas, the Council considered the most recent stock assessments, conducted in June 2020, and other relevant scientific information.

In August 2020, the Council voted to maintain status quo quota levels of 5.36 million bushels (bu); 285 million Liters (L) for the ocean quahog fishery, 3.40 million bu (181 million L) for the Atlantic surfclam fishery, and 100,000 Maine bu (3.52 million L) for the Maine ocean quahog fishery for 2021–2026. The Council recommended that specifications be set for 2021 and proposed for years 2022–2026 to create administrative efficiencies as a result of the new stock assessment process, which is expected to assess surfclam and ocean quahog on a 4 and 6 year cycle, respectively.

The regulations at 50 CFR 648.72(a) allow for setting of sections for up to 3 years. Through this action, we would only set 2021 specifications and include the projected specifications for 2022–2026 to inform the public. The Council approved a regulatory change in the Excessive Shares Amendment that would allow us to set specifications for the maximum number of years needed to be consistent with the Northeast Region Coordinating Council-approved stock assessment schedule, which currently anticipates assessments for both stocks every 6 years. Although the FMP currently authorizes specifications to be set for multiple years, we are still required to publish a final rule each year to formally set the specifications for the coming year. We expect the timing change in the Amendment will be implemented within the next year, well before years 4 and 5 (fishing years 2025 and 2026) are finalized. However, if for some reason the Amendment is not approved, the Council would adopt new specifications for 2025 and 2026.

The proposed and projected quotas for the 2021–2026 Atlantic surfclam and ocean quahog fishery are shown in Tables 1 and 2.

TABLE 1—PROPOSED ATLANTIC SURFCLAM MEASURES 2021–2026

[2022–2026 Projected]

Year	Allowable biological catch (ABC) (mt)	Annual catch limit (ACL) (mt)	Annual catch target (ACT) (mt)	Commercial quota
Atlantic Surfclam				
2021	47,919	47,919	29,363	3.4 million bushels (181 million L).
2022	44,522	44,522	29,363	3.4 million bushels (181 million L).
2023	42,237	42,237	29,363	3.4 million bushels (181 million L).
2024	40,946	40,946	29,363	3.4 million bushels (181 million L).
2025	40,345	40,345	29,363	3.4 million bushels (181 million L).
2026	40,264	40,264	29,363	3.4 million bushels (181 million L).

TABLE 2—PROPOSED OCEAN QUAHOG MEASURES 2021–2026

[2022–2026 Projected]

Year	Allowable biological catch (ABC) (mt)	Annual catch limit (ACL) (mt)	Annual catch target (ACT) (mt)	Commercial quota
2021	44,031	44,031	25,924	Maine quota: 100,000 Maine bu (3.52 million L); Non-Maine quota: 5.36 million bu (285 million L).

TABLE 2—PROPOSED OCEAN QUAHOG MEASURES 2021–2026—Continued

[2022–2026 Projected]

Year	Allowable biological catch (ABC) (mt)	Annual catch limit (ACL) (mt)	Annual catch target (ACT) (mt)	Commercial quota
2022	44,072	44,072	25,924	Maine quota: 100,000 Maine bu (3.52 million L); Non-Maine quota: 5.36 million bu (285 million L).
2023	44,082	44,082	25,924	Maine quota: 100,000 Maine bu (3.52 million L); Non-Maine quota: 5.36 million bu (285 million L).
2024	44,065	44,065	25,924	Maine quota: 100,000 Maine bu (3.52 million L); Non-Maine quota: 5.36 million bu (285 million L).
2025	44,020	44,020	25,924	Maine quota: 100,000 Maine bu (3.52 million L); Non-Maine quota: 5.36 million bu (285 million L).
2026	43,948	43,948	25,924	Maine quota: 100,000 Maine bu (3.52 million L); Non-Maine quota: 5.36 million bu (285 million L).

The Atlantic surfclam and ocean quahog quotas are specified in ''industry'' bushels of 1.88 cube feet (ft^3) (53.24 L) per bushel, while the Maine ocean quahog quota is specified in Maine bushels of 1.24 ft^3 (35.24 L) per bushel. Because Maine ocean quahogs are the same species as ocean quahogs, both fisheries are assessed under the same overfishing definition. When the two quota amounts (ocean quahog and Maine ocean quahog) are added, the total allowable harvest is below the level that would result in overfishing for the entire stock. The 2021–2026 quotas are the same as those implemented in the 2018–2020 specifications.

Surfclam

The proposed 2021–2026 status quo surfclam quotas were developed after reviewing the results of the management track stock assessment for Atlantic surfclam, conducted in June 2020. The surfclam quota recommendation is consistent with the assessment finding that the Atlantic surfclam stock is not overfished, and overfishing is not occurring. Based on this information, the Council is recommending, and we are proposing, to maintain the status quo surfclam quota of 3.40 million bu (181 million L) for 2021–2026.

Ocean Quahog

As with surfclams, the proposed 2021–2026 status quo ocean quahog quotas were developed after reviewing the results of the management track stock assessment for ocean quahogs, conducted in June 2020. The ocean quahog quota is consistent with the assessment finding that the ocean quahog stock is not overfished, and overfishing is not occurring. Consistent with the Council recommendation, we are proposing the following for ocean quahog. The proposed 2021–2026 non-Maine quota for ocean quahog is the status quo quota of 5.36 million bu (285 million L). The 2021–2026 proposed quota for Maine ocean quahogs is the status quo level of 100,000 Maine bu (3.52 million L), which represents the maximum allowable quota under the FMP.

Surfclam Minimum Size

In August 2020, the Council voted to recommend that the minimum size limit for surfclams continue to be suspended for 2021. The minimum size limit has been suspended annually since 2005. Minimum size suspension may not be taken unless discard, catch, and biological sampling data indicate that 30 percent or more of the Atlantic surfclam resource have a shell length less than 4.75 inches (120 millimeters (mm)), and the overall reduced size is not attributable to harvest from beds where growth of the individual clams has been reduced because of density-dependent factors.

Commercial surfclam data for 2020 were analyzed to determine the percentage of surfclams that were smaller than the minimum size requirement. The analysis indicated that 11 percent of the overall commercial landings, to date, were composed of surfclams that were less than the 4.75-inch (120-mm) default minimum size. Based on the information available, the Regional Administrator concurs with the Council's recommendation, and is proposing to suspend the minimum size limit for Atlantic surfclams in the upcoming fishing year (January 1 through December 31, 2021).

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the Assistant Administrator for Fisheries, NOAA, has determined that this proposed rule is consistent with the Atlantic Surfclam and Ocean Quahog FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This action is exempt from review under Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification is as follows.

A complete description of the specifications, why they are being considered, and the legal basis for proposing and implementing specifications for the surfclam and ocean quahog fisheries are contained in the preamble to this proposed rule.

The measures proposed by this action apply to surfclam and ocean quahog allocation owners. These are the individuals or entities that received initial individual transferable quota (ITQ) allocations (*i.e.,* owners of record) at the beginning of each fishing year. There were 64 allocation owners of record for surfclam and 33 for ocean quahog in 2019.

Of the 64 initial surfclam allocation owners of record for 2019, 19 were categorized as ''Commercial Fishing,''

with 100 percent of them classified as small entities. Of the 9 allocation owners that were categorized as ''Fish and Seafood Merchant Wholesalers,'' 1 was classified as a small entity (11 percent) and 8 were classified as large entities (89 percent). Eight allocations owners were categorized as ''Commercial Banking,'' 1 was classified as a small entity (12 percent), and 7 classified as large entities (88 percent). Six allocations were categorized as ''Credit Unions,'' with 100 percent of them classified as large entities. There were also 5 allocations categorized as ''Sector 92'' (Public Administration sector); therefore, small business size standards are not applicable for these 5 allocation owners. Lastly, the (SBA)classification for 17 surfclam allocation owners was unknown.

Of the 33 initial ocean quahog allocation owners of record for 2019, 14 were categorized as ''Commercial Fishing,'' with 100 percent of them classified as small entities. Of the six allocation owners that were categorized as ''Fish and Seafood Merchant Wholesalers,'' two were classified as small entities (33 percent) and 4 were classified as large entities (67 percent). One allocation owner was categorized as ''Commercial Banking'' and 1 categorized as ''Credit Unions'' with 100 percent of them classified as large entities. The SBA classification for the remaining allocations owners is unknown.

The proposed quotas are status quo. As a result, this action will have no impacts on the way the fishery operates. These measures are expected to provide similar fishing opportunities when compared to earlier years. Additionally, the surfclam and ocean quahog fisheries, including the Maine quahog fishery, have harvested well below their respective quota allocations for several years. As such, revenue changes are not expected in 2021–2026 when compared to landings and revenues in 2019. Therefore, adoption of the proposed specifications is not expected to have impacts on entities participating in the fishery if landings are similar to those that occurred in 2019.

Maintaining the suspension of the surfclam minimum shell length requirement would result in no change when compared to 2017–2020. The minimum shell length requirement has been suspended each year since 2005. The proposed action would have no impact on the way the fishery operates, and is not expected to disproportionately affect small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 8, 2021.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2021–02984 Filed 2–16–21; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 86, No. 30
Wednesday, February 17, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Foreign Agricultural Service to request an extension for a currently approved information collection for the USDA's Emerging Markets Program.

DATES: Comments on this notice must be received by April 19, 2021.

ADDRESSES: FAS invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

☐ *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment filed or attach a file for lengthier comments. Go to *http://www/regulations.gov.* Follow the on-line instructions at the site for submitting comments.

☐ *Mail, hand delivery, or courier:* Curt Alt, U.S. Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW, Room 6512, Mail Stop 1052, Washington, DC 20250.

☐ *Email: PODAdmin@usda.gov.* Include OMB Control Number 0551–0048 in the subject line of the message.

Instructions: All items submitted by mail or electronic mail must include the agency name. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Curt Alt, Director, Program Operations Division, Foreign Agricultural Service, U.S. Department of Agriculture, Room 6512, Washington, DC 20250–1034, telephone: (202) 690–4784, e–mail: *PODAdmin@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: USDA Emerging Markets Program.

OMB Number: 0551–0048.

Expiration Date of Approval: Three years from approval date.

Type of Request: Extension of a currently approved information collection.

Abstract: Under the USDA Emerging Markets Program, information will be gathered from applicants desiring to receive grants under the program to determine the viability of requests for resources to implement activities in foreign countries. Recipients of grants under the program must submit performance and financial reports throughout the implementation of the project. Documents are used to develop effective grant agreements and assure that statutory requirements and program objectives are met.

Estimate of Burden: The public reporting burden for each respondent resulting from information collection under the USDA Emerging Markets Program varies in direct relation to the number and type of agreements entered into by such respondent. The estimated average reporting burden for the USDA Emerging Markets Program is 6.4 hours per response.

Type of Respondents: U.S. private or government entities such as private organizations, agricultural cooperatives, universities, state departments of agriculture, Federal Agencies, non–profit organizations and export trade associations.

Estimated Number of Respondents: 50 per annum.

Estimated Number of Responses per Respondent: 5 per annum.

Estimated Total Annual Burden of Respondents: 1,600 hours.

Copies of this information collection can be obtained from Lauren Gerald, the Agency Information Collection Coordinator, at *Lauren.Gerald@usda.gov.*

Request for Comments: Send comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FAS is committed to complying with the E-Government Act of 2002 to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Comments will be available for inspection online at *http://www.regulations.gov* and at the mail address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Persons with disabilities who require an alternative means for communication of information (*e.g.,* Braille, large print, audiotape, etc.) should contact Colette Ross (Human Resources, 202–720–8805) or Jeffrey Galloway (Office of Civil Rights, 202–690–1399).

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

Daniel Whitley,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 2021–03164 Filed 2–16–21; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice of Request for Approval of a New Information Collection

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this

notice announces the intention of the Foreign Agricultural Service to request approval for a new information collection for the USDA's Trade Missions and Trade Shows Program.

DATES: Comments on this notice must be received by April 19, 2021.

ADDRESSES: You may send comments, identified by the OMB Control number 0551–NEW, by any of the following methods:

☐ *Federal eRulemaking Portal: http://www/regulations.gov.* This portal enables respondents to enter short comments or attach a file containing lengthier comments.

☐ *Email: TMSAdmin@usda.gov.* Include OMB Control Number 0551–NEW in the subject line of the message.

☐ *Mail, Courier, or Hand Delivery:* Ryan Brewster, U.S. Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW, Room 6085, Washington, DC 20250.

Instructions: All items submitted by mail or electronic mail must include the agency name. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ryan Brewster, Trade Missions and Shows Division, Foreign Agricultural Service, U.S. Department of Agriculture, Room 6085, Washington, DC 20250–1034, *email: TMSAdmin@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: USDA Trade Missions and Trade Shows Program.

OMB Number: 0551–NEW.

Expiration Date of Approval: Three years from approval date.

Type of Request: New information collection.

Abstract: Under the USDA Trade Missions and Trade Shows Program, information will be gathered from applicants desiring to participate in USDA sponsored trade missions, shows, and virtual trade events to determine the eligibility of the applicants to take part in the event. Participants in USDA endorsed trade shows, trade missions, and virtual trade events under the program will be asked to voluntarily submit written survey reports regarding their satisfaction with the event and actual and projected sales data as a result of their participation in the program. Submitted information is used to develop effective programs and assure that program objectives are met.

Estimate of Burden: The public reporting burden for each respondent resulting from information collection under the USDA Trade Missions and Trade Shows Program varies in direct relation to the number of events that each respondent participates in.

Trade Missions

Type of Respondents: Private U.S. agribusinesses, U.S. agricultural cooperatives, export trade associations.

Estimated Number of Respondents: 600 per annum.

Estimated Number of Responses per Respondent: 4 per annum.

Estimated Total Annual Burden of Respondents: 600 hours per annum.

USDA-Endorsed Trade Shows

Type of Respondents: Government agencies, State Regional Trade Groups, State Departments of Agriculture, private organizations/companies, agricultural cooperatives, and export trade associations.

Estimated Number of Respondents: 1,100.

Estimated Number of Responses per Respondent: 1 per annum.

Estimated Total Annual Burden of Respondents: 330 hours.

Virtual Trade Events

Type of Respondents: private organizations, agricultural cooperatives, and export trade associations.

Estimated Number of Respondents: 600 per annum.

Estimated Number of Responses per Respondent: 3 per annum.

Estimated Total Annual Burden of Respondents: 600 hours per annum.

Copies of this information collection can be obtained from Lauren Gerald, the Agency Information Collection Coordinator, at *Lauren.Gerald@usda.gov.*

Request for Comments: Send comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

E-Government Act Compliance

FAS is committed to complying with the E-Government Act of 2002, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Persons with disabilities who require an alternative means for communication of information (*e.g.,* Braille, large print, audiotape, etc.) should contact Colette Ross (Human Resources, 202–720–8805) or Jeffrey Galloway (Office of Civil Rights, 202–690–1399).

Daniel Whitley,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 2021–03165 Filed 2–16–21; 8:45 am]

BILLING CODE 3410–10–P

CIVIL RIGHTS COMMISSION

Notice of Public Meetings of the Missouri Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Missouri Advisory Committee (Committee) will hold a meeting via the web platform WebEx on Wednesday, February 24, 2021 at 12:00 p.m. Central Time. The purpose of the meeting is for the committee to discuss civil rights concerns in the state.

DATES: The meetings will be held on:

- Wednesday, February 24, 2021, at 12:00 p.m. Central Time *https://civilrights.webex.com/civilrights/j.php?MTID=m8a5ab2bb86f86c4a9cba59b4d2c36279* or Join by phone: 800–360–9505 USA Toll Free, Access code: 1990 500 608.

FOR FURTHER INFORMATION CONTACT: David Barreras, Designated Federal Officer, at *dbarreras@usccr.gov* or (202) 499–4066.

SUPPLEMENTARY INFORMATION: Members of the public may listen to this discussion through the above call-in number. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges.

Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to David Barreras at *dbarreras@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Missouri Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome & Roll Call
II. Chair's Comments
III. Committee Discussion
IV. Next Steps
V. Public Comment
VI. Adjournment

Dated: February 10, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–03111 Filed 2–16–21; 8:45 am]

BILLING CODE P

CIVIL RIGHTS COMMISSION

Notice of Public Meeting of the Arizona Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the Arizona Advisory Committee (Committee) to the Commission will hold a series of meetings via Webex on Tuesday, March 30, Tuesday, April 6, Tuesday, April 13, and Monday, April 19, 2021 at 12:00 p.m. Mountain Time for the purpose of reviewing and discussing the Committee's advisory memorandum on COVID–19 Impacts on Native American Communities.

DATES: The meetings will be held on:

- Tuesday, March 30, 2021 from 12:00 p.m.–1:00 p.m. Mountain Time
- Tuesday, April 6, 2021 from 12:00 p.m.–1:00 p.m. Mountain Time
- Tuesday, April 13, 2021 from 12:00 p.m.–1:00 p.m. Mountain Time
- Monday, April 19, 2021 from 12:00 p.m.–1:00 p.m. Mountain Time

Access Information

Tuesday, March 30th at 12:00 p.m. MT—Register at: *https://tinyurl.com/ubf3ch8z*

Tuesday, April 6th at 12:00 p.m. MT—Register at: *https://tinyurl.com/3qsjsfwm*

Tuesday, April 13th at 12:00 p.m. MT—Register at: *https://tinyurl.com/1x8koo4j*

Monday, April 19th at 12:00 p.m. MT—Register at: *https://tinyurl.com/yurmmbd3*

FOR FURTHER INFORMATION CONTACT: Brooke Peery, Designated Federal Officer, (DFO) at *bpeery@usccr.gov* or by phone at (202) 701–1376.

SUPPLEMENTARY INFORMATION: Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzl2AAA.*

Please click on the ''Committee Meetings'' tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome & Roll Call
II. Approval of Minutes
III. Discussion of Advisory Memo Draft
IV. Public Comment
V. Adjournment

Dated: February 10, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–03112 Filed 2–16–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Manufacturers' Unfilled Orders Survey

AGENCY: Census Bureau, Commerce.

ACTION: Notice of Information Collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the Manufacturers' Unfilled Orders Survey, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before April 19, 2021.

ADDRESSES: Interested persons are invited to submit written comments by email to *Thomas.J.Smith@census.gov.* Please reference the Manufacturers' Unfilled Orders Survey in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2021–0005, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit

attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Carol Aristone, Assistant Division Chief, Manufacturing, Corporate Profits, and Business Dynamics, 301–763–7062, *carol.ann.aristone@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The data collected in the Manufacturers' Unfilled Orders (M3UFO) Survey will be used to benchmark the new and unfilled orders information published in the monthly Manufacturers' Shipments, Inventories, and Orders (M3) Survey. The M3 Survey collects monthly data on the value of shipments, inventories, and new and unfilled orders from manufacturing companies. The orders, as well as the shipments and inventory data, are valuable tools for analysts of business cycle conditions. The data are used by the Bureau of Economic Analysis, the Council of Economic Advisers, the Federal Reserve Board, the Conference Board, as well as businesses, trade associations, and the media.

The monthly M3 Survey estimates are based on a panel of approximately 5,000 reporting units that represent approximately 3,100 companies and provide an indication of month-to-month change for the Manufacturing Sector. These reporting units may be divisions of diversified large companies, large homogenous companies, or single-unit manufacturers. The M3 estimates are periodically benchmarked to comprehensive data on the manufacturing sector from the Annual Survey of Manufactures (ASM), the Economic Census (shipments and inventories) and the M3UFO Survey, which is the subject of this notice. To obtain more accurate M3 estimates of unfilled orders, which are also used in deriving M3 estimates of new orders, we conduct the M3UFO Survey annually to be used as the source for benchmarking M3 unfilled orders data.

Additionally, the M3UFO data are used to determine which North American Industry Classification System (NAICS) industries continue to maintain unfilled orders; this is done in order to minimize burden on businesses by only requesting unfilled orders as part of the monthly M3 Survey for industries that still maintain unfilled orders.

Unfilled orders data are not currently collected in the ASM or the Economic Census. Research is currently being conducted on the feasibility of adding M3UFO questions to the ASM for Survey Year 2021 at the establishment levels. A combination of phone and in-person cognitive interviews with up to 40 respondents, over two rounds will begin in October 2020 and will likely conclude by March 2021.

There are no changes to the MA–3000 form, which is used to conduct the M3UFO survey.

II. Method of Collection

The Census Bureau will collect information by internet and telephone follow-up. All respondents receive an initial letter with their authentication code for registration and submission by internet. Companies are asked to respond to the survey within 30 days of receipt. Letters encouraging participation are mailed to companies that have not responded by the designated time. Telephone follow-up and email reminders are conducted to obtain response from delinquent companies.

III. Data

OMB Control Number: 0607–0561.

Form Number(s): MA–3000.

Type of Review: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions.

Estimated Number of Respondents: 6,000.

Estimated Time per Response: .50 hour.

Estimated Total Annual Burden Hours: 3,000.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C. Section 131 and 182.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–03177 Filed 2–16–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–26–2021]

Foreign-Trade Zone 49—Newark, New Jersey; Application for Subzone; Celgene Corporation; Warren and Summit, New Jersey

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Port Authority of New York and New Jersey, grantee of FTZ 49, requesting subzone status for the facilities of Celgene Corporation (Celgene), located in Warren and Summit, New Jersey. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on February 10, 2021.

The proposed subzone would consist of the following sites: *Site 1* (3.59 acres) 7 Powder Horn Drive, Warren; and, *Site 2* (90.09 acres) 556 Morris Avenue, Summit. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 49.

In accordance with the FTZ Board's regulations, Christopher Kemp of the

FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is March 29, 2021. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 13, 2021.

A copy of the application will be available for public inspection in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Kemp at *Christopher.Kemp@trade.gov.*

Dated: February 11, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–03144 Filed 2–16–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–61–2020]

Foreign-Trade Zone (FTZ) 176—Rockford, Illinois, Authorization of Production Activity, Tricida Inc. (Pharmaceutical Products), Rockford, Illinois

On October 14, 2020, PCI Pharma Services, an operator within FTZ 176 in Rockford, Illinois, submitted a notification of proposed production activity to the FTZ Board on behalf of Tricida Inc.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (85 FR 66929, October 21, 2020). On February 11, 2021, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: February 11, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–03143 Filed 2–16–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–831–804, A–351–856, A–523–815, A–821–828, A–489–844]

Certain Aluminum Foil From the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable February 17, 2021.

FOR FURTHER INFORMATION CONTACT: Margaret Collins at (202) 482–6250 (the Republic of Armenia (Armenia)); George McMahon at (202) 482–1167 (Brazil); Benjamin Smith at (202) 482–2181 (the Sultanate of Oman (Oman)); Mike Heaney at (202) 482–4475 (the Russian Federation (Russia)); Bryan Hansen at (202) 482–3683 (the Republic of Turkey (Turkey)); AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On October 19, 2020, the Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of certain aluminum foil from Armenia, Brazil, Oman, Russia, and Turkey.[1] Currently, the preliminary determinations are due no later than March 8, 2021.

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days of the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On February 4, 2021, the Aluminum Association Trade Enforcement Working Group [2] (the petitioners) submitted a timely request that Commerce postpone the preliminary determinations in these LTFV investigations.[3] The petitioners stated that they request postponement due to concerns that Commerce will need more time to issue supplemental questionnaires to address deficiencies in the respondents' initial questionnaire responses. Under the current timeline, the petitioners believe that Commerce will not have complete responses and sufficient information to issue these preliminary determinations.[4]

For the reasons stated above, and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act and 19 CFR 351.205(e), is postponing the deadline for these preliminary determinations by 50 days (*i.e.,* 190 days after the date on which these investigations were initiated). As a result, Commerce will issue its preliminary determinations no later than April 27, 2021. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations in these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

Notification to Interested Parties

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: February 10, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–03152 Filed 2–16–21; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Initiation of Less-Than-Fair-Value Investigations,* 85 FR 67711 (October 26, 2020).

[2] The individual members of the Aluminum Association Trade Enforcement Working Group are: Granges Americas Inc.; JW Aluminum Company; and Novelis Corporation.

[3] *See* Petitioners' Letter, ''Certain Aluminum Foil from Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Petitioners' Request for Postponement of Preliminary Antidumping Determinations,'' dated February 4, 2021.

[4] *Id.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA807]

Determination of Overfishing or an Overfished Condition

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has found that Gulf of Mexico cobia, Gulf of Mexico lane snapper, the Gulf of Mexico jacks complex, South Atlantic golden tilefish, and Western and Central Pacific Ocean silky shark are now subject to overfishing; Sacramento River fall-run Chinook salmon, Klamath River fall-run Chinook salmon, Queets coho salmon, Juan de Fuca coho salmon, and Saint Matthew Island blue king crab are still overfished; and Pacific bluefin tuna is still subject to overfishing and overfished. NMFS, on behalf of the Secretary, notifies the appropriate regional fishery management council (Council) whenever it determines that a stock or stock complex is subject to overfishing, overfished, or approaching an overfished condition.

FOR FURTHER INFORMATION CONTACT: Kathryn Frens, (301)–427–8523.

SUPPLEMENTARY INFORMATION: Pursuant to section 304(e)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1854(e)(2), NMFS, on behalf of the Secretary, must notify Councils, and publish a notice in the **Federal Register**, whenever it determines that a stock or stock complex is subject to overfishing, overfished, or approaching an overfished condition.

NMFS has determined that Gulf of Mexico cobia, Gulf of Mexico lane snapper, and the Gulf of Mexico jacks complex are now subject to overfishing. The Gulf of Mexico cobia determination is based on the most recent assessment, completed in 2020 and using data through 2018, which indicates that this stock is subject to overfishing because the fishing mortality rate was above the threshold. Gulf of Mexico lane snapper and the Gulf jacks complex were not assessed in 2020, and catch data from 2019 support a determination that these stocks are subject to overfishing because catch for each stock exceeded their respective thresholds. NMFS has notified the Gulf of Mexico Fishery Management Council of the requirement to end and prevent overfishing on lane snapper and the jacks complex. NMFS has notified the Gulf of Mexico Fishery Management Council and the South Atlantic Fishery Management Council of the requirement to end and prevent overfishing on cobia.

NMFS has determined that South Atlantic golden tilefish is now subject to overfishing. This stock was not assessed in 2020, and catch data from 2019 support a determination that this stock is subject to overfishing because the catch was above the threshold. NMFS has notified the South Atlantic Fishery Management Council of the requirement to end and prevent overfishing on this stock.

NMFS has determined that Western and Central Pacific Ocean (WCPO) silky shark is now subject to overfishing. The determination for silky shark is based on the most recent assessment, completed in 2018 using data through 2016, which indicates that the stock is subject to overfishing because the fishing mortality rate is above the threshold. NMFS has determined that section 304(i) of the Magnuson-Stevens Act applies because the overfishing of WCPO silky shark is due largely to excessive international fishing pressure. NMFS has informed the Western Pacific Fishery Management Council of its obligations for domestic and international management under Magnuson-Stevens Act section 304(i) to address domestic and international impacts.

NMFS has determined that Sacramento River fall-run Chinook salmon, Klamath River fall-run Chinook salmon, Queets coho salmon, and Juan de Fuca coho salmon are still overfished. These determinations are based on the most recent assessments, completed in 2020 and using data from 2017–2019 for the two Chinook stocks, and data from 2016–2018 for the two coho stocks. The assessments support determinations that all four stocks remain overfished because the three-year geometric mean of the annual spawning escapement for each stock falls below its respective threshold. Of these four salmon stocks, only the two Chinook stocks are domestically managed. The Council has limited ability to control the two internationally-managed coho stocks in waters outside its jurisdiction. The Pacific Fishery Management Council (Pacific Council) adopted rebuilding plans for all four overfished salmon stocks in 2019. NMFS continues to work with the Pacific Council to implement these plans.

NMFS has further determined that Pacific bluefin tuna continues to be both subject to overfishing and overfished. This determination is based on the most recent assessment, conducted by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC), completed in 2020 using data through 2018. Applying domestic status determination criteria, this stock is still subject to overfishing because the fishing mortality rate is above its threshold, and is still overfished because the spawning stock biomass is below its threshold. NMFS continues to work with the Pacific Council to end overfishing and rebuild this stock.

NMFS has determined that Saint Matthew Island blue king crab is still overfished. This determination is based on the most recent assessment, completed in 2020 using data through 2020, which indicates that the stock is overfished because the biomass estimate remains below its threshold. NMFS continues to work with the North Pacific Fishery Management Council to rebuild this stock.

Dated: February 11, 2021.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–03147 Filed 2–16–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA875]

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold a meeting of the Pacific Pelagic Fishery Ecosystem Plan (FEP) Plan Team (PT) to discuss fishery management issues and develop recommendations to the Council for future management of pelagic fisheries in the Western Pacific region.

DATES: The Pelagic PT will be held on March 3–4, 2021. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held by web conference. Audio and visual portions of the web conference can be

accessed at: *https://wprfmc.webex.com/wprfmc/onstage/g.php?MTID=e53c7bdfe796d5380156b9f81841ef272.* Event number (if prompted): 177 544 7443. Event password (if prompted): PePT2021. Web conference access information will also be posted on the Council's website at *www.wpcouncil.org.* For assistance with the web conference connection, contact the Council office at (808) 522–8220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The Pelagic PT meeting will be held on March 3–4, 2021, and run each day from 1 p.m. to 5 p.m. Hawaii Standard Time (HST) (12 p.m. to 4 p.m. Samoa Standard Time (SST); 9 a.m. to 1 p.m. on March 4–5, 2021, Chamorro Standard Time (ChST)). Public comment periods will be provided in the agenda. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Agenda for the Pelagic Plan Team Meeting

Wednesday, March 3, 2021, 1 p.m. to 5 p.m. HST (12 p.m. to 4 p.m. SST; Thursday, March 4, 2021, 9 a.m. to 1 p.m. ChST)

1. Welcome and Introductions
2. Approval of Agenda
3. Oceanic Whitetip Working Group Report
   A. Monte Carlo Analyses of Longline Mitigation Measures
   B. Working Group Report and Options Document to Address MSA 304(i) Obligations
4. Regulatory Amendment for Removal of Wire Leaders in Hawaii Deep-set Longline Fishery
5. Plan Team Discussion
6. Public Comment

Thursday, March 4, 2021, 1 p.m. to 5 p.m. HST (12 p.m. to 4 p.m. SST; Friday, March 5, 2021, 9 a.m. to 1 p.m. ChST)

7. Seabird Mitigation Measures for the Hawaii Longline Fisheries: Options for the Shallow-set Fishery and Tori Line Specifications for the Deep-set Fishery
8. North Pacific Striped Marlin Annual Catch Limits
9. Public Comment
10. Pelagic Plan Team Discussion and Recommendations
11. Other Business

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 11, 2021.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–03193 Filed 2–16–21; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 21–C0001]

Cybex International, Inc., Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: It is the policy of the Commission to publish settlements that it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of the Consumer Product Safety Commission's regulations. Published below is a provisionally-accepted Settlement Agreement with Cybex International, Inc., containing a civil penalty in the amount of seven million, nine hundred and fifty thousand dollars ($7,950,000), subject to the terms and conditions of the Settlement Agreement.[1]

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Division of the Secretariat by March 4, 2021.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to Comment 21–C0001, Division of the Secretariat, Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504–7479; email: *cpsc-os@cpsc.gov.*

FOR FURTHER INFORMATION CONTACT: Leah Wade Ippolito, Supervisory Attorney, Division of Enforcement and Litigation, Office of Compliance and Field Operations, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, Maryland 20814–4408; *lippolito@cpsc.gov.*

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: February 11, 2021.

Alberta E. Mills,

Secretary.

United States of America

Consumer Product Safety Commission

In the Matter of: CYBEX INTERNATIONAL, INC., CPSC Docket No.: 21–C0001

Settlement Agreement

1. In accordance with the Consumer Product Safety Act, 15 U.S.C. 2051 − 2089 (''CPSA'') and 16 CFR 1118.20, Cybex International, Inc. (''Cybex''), and the United States Consumer Product Safety Commission (''Commission''), through its staff, hereby enter into this Settlement Agreement (''Agreement''). The Agreement and the incorporated attached Order resolve staff's charges set forth below.

The Parties

2. The Commission is an independent federal regulatory agency, established pursuant to, and responsible for, the enforcement of the CPSA, 15 U.S.C. 2051–2089. By executing the Agreement, staff is acting on behalf of the Commission, pursuant to 16 CFR 1118.20(b). The Commission issues the Order under the provisions of the CPSA.

3. Cybex is a corporation, organized and existing under the laws of the state of New York, with its principal place of business in Rosemont, Illinois.

Staff Charges

4. Between 1996 and 2008, Cybex manufactured, distributed and offered for sale in the United States approximately 4,800 Model VR2, VR2TA, Eagle, and VR3 Arm Curl Machines (''Arm Curl'').

5. Between 1989 and 2009, Cybex manufactured, distributed and offered for sale in the United States approximately 15,000 Model 5340 and 5341 Smith Press Machines (''Smith Press.'')

6. The Arm Curl and Smith Press Machines (collectively, the ''Subject Products'') are ''consumer products'' that were ''distribut[ed] in commerce,'' as those terms are defined or used in sections 3(a)(5) and (8) of the CPSA, 15 U.S.C. 2052(a)(5) and (8). Cybex is a ''manufacturer'' and ''distributor'' of the

[1] The Commission voted 3–0–1 to provisionally accept the proposed Settlement Agreement and Order regarding Cybex International, Inc. Acting Chairman Adler, Commissioners Kaye and Baiocco voted to provisionally accept the Settlement Agreement and Order. Commissioner Feldman did not vote on this matter.

Subject Products, as such terms are defined in sections 3(a)(7) and (11) of the CPSA, 15 U.S.C. 2052(a)(7) and (11).

Violation of CPSA Section 19(a)(4)

Arm Curl Machines

7. The Arm Curl Machines contain a defect which could create a substantial product hazard and create an unreasonable risk of serious injury or death because the weld that connects the swivel handle to the arm of the machine can fatigue and fail, causing the handle to separate unexpectedly from the frame of the machine. This separated handle can strike the user in the face.

8. Between mid-2002 (when Cybex was able to retrieve incident information) and June 2015, Cybex received 85 reports of broken handles, including incidents that resulted in lacerations requiring stitches and one grievous bodily injury involving a consumer who permanently lost vision in one eye when the handle separated during use and struck the consumer in the face.

9. Despite information that reasonably supported the conclusion that the Arm Curl Machine contained a defect that could create a substantial product hazard or created an unreasonable risk of serious injury or death, Cybex did not immediately report to CPSC.

10. In June 2015, Cybex filed a Full Report with the Commission under 15 U.S.C. 2064(b) concerning the Arm Curl Machines.

11. Cybex and the Commission jointly announced a Fast Track recall of the Arm Curl Machines on August 25, 2015. The press release announcing the recall noted that the swivel handles can break off from the frame causing users to hit themselves in the face or head, posing an impact injury hazard.

Smith Press Machines

12. The Smith Press Machines contain a defect which could create a substantial product hazard and create an unreasonable risk of serious injury or death because the weight bar can fall, posing serious impact injury hazards to the user.

13. Between late 1991 and January 2018, Cybex received 27 reports of injuries associated with the Smith Press Machine, including grievous bodily injuries such as paralysis and spinal fracture.

14. Despite information that reasonably supported the conclusion that the Smith Press Machines contained a defect that could create a substantial product hazard or created an unreasonable risk of serious injury or death, Cybex did not immediately report to CPSC.

15. In January 2018, Cybex filed a Full Report with the Commission under 15 U.S.C. 2064(b) concerning the Smith Press Machines.

16. Cybex and the Commission jointly announced a Fast Track recall of Smith Press Machines on August 29, 2018. The press release announcing the recall noted that the weight bar can fall, posing serious injury hazards to the user.

Failure to Timely Report

17. Despite having information reasonably supporting the conclusion that the Subject Products contained a defect or created an unreasonable risk of serious injury or death, Cybex did not notify the Commission immediately of such defect or risk, as required by sections 15(b)(3) and (4) of the CPSA, 15 U.S.C. 2064(b)(3) and (4), in violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

18. Because the information in Cybex's possession about the Subject Products constituted actual and presumed knowledge, Cybex knowingly violated section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), as the term ''knowingly'' is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d).

19. Pursuant to section 20 of the CPSA, 15 U.S.C. 2069, Cybex is subject to civil penalties for its knowing violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

Response of Cybex

20. This Agreement does not constitute an admission by Cybex to the staff's charges set forth in paragraphs 4 through 19 above, and Cybex specifically refutes the staff's findings that Cybex did not timely file section 15(b) reports on the Subject Products.

21. The Arm Curl and Smith Press have not been sold since 2008 and 2009 respectively. The Subject Products were designed, manufactured and sold by prior ownership of the Cybex business (which was sold in 2016 and again in 2019). The original owners of Cybex recalled and retrofitted the Arm Curl in 2015 and the CPSC's investigation was underway when the Company was sold in 2016. After assessing the legacy business and engaging in discussions with CPSC, the new owner of Cybex determined that it was required to submit a report to the CPSC regarding the Smith Press in connection with the CPSC's ongoing investigation.

22. Due to the complexity of consumer interaction with and use of exercise equipment, and the critical role of fitness center owners in monitoring users and maintaining the equipment, consumer reports can be difficult for a manufacturer to obtain and evaluate, may not be received promptly, and may not include complete and accurate information.

23. With regard to the Smith Press, there is a risk of users failing to fully seat a weighted bar across the pins when racking the bar, thereby causing the bar to fall. Further, the equipment had extensive product safety and usage labeling and a safety stop that users frequently failed to activate while exercising. Racking systems similar to the Smith Press racking system were widely used throughout the industry during the time the Smith Press was sold and in use. Cybex believes that the number of reports of injuries associated with the weight bars was infinitesimally small in view of the millions of uses of this equipment.

24. With regard to the Arm Curl, over time the arm of certain of the machines experienced weld fatigue, despite the equipment passing rigorous and extensive product load and endurance testing. Cybex believes that the number and extent of injuries were limited.

25. At all relevant times, Cybex had a product safety compliance program, including quality control personnel and a product safety testing program. Following the sale of Cybex in 2016, new ownership implemented improvements to that compliance program to further ensure that it is consistent with industry standards.

26. Cybex enters into this Agreement solely to settle this matter without the delay and expense of litigation. Cybex does not admit to any fault, liability, violation of any law, or wrongdoing with respect to the Arm Curl or Smith Press machines, and Cybex's willingness to enter into this Agreement and Order does not constitute, nor is it evidence of, an admission by it of any fault, liability, violation of any law, or any wrongdoing.

Agreement of the Parties

27. Under the CPSA, the Commission has jurisdiction over the matter involving the Subject Products and over Cybex.

28. The parties enter into the Agreement for settlement purposes only. The Agreement does not constitute an admission by Cybex or a determination by the Commission that Cybex violated the CPSA's reporting requirements.

29. In settlement of staff's charges, and to avoid the cost, distraction, delay, uncertainty, and inconvenience of protracted litigation or other proceedings, Cybex shall pay a civil penalty in the amount of seven million,

nine hundred and fifty thousand dollars ($7,950,000) within thirty (30) calendar days after receiving service of the Commission's final Order accepting the Agreement. All payments to be made under the Agreement shall constitute debts owing to the United States and shall be made by electronic wire transfer to the United States via *http://www.pay.gov,* for allocation to, and credit against, the payment obligations of Cybex under this Agreement. Failure to make such payment by the date specified in the Commission's final Order shall constitute Default.

30. All unpaid amounts, if any, due and owing under the Agreement, shall constitute a debt due and immediately owing by Cybex to the United States, and interest shall accrue and be paid by Cybex at the federal legal rate of interest set forth at 28 U.S.C. 1961(a) and (b) from the date of Default, until all amounts due have been paid in full (hereinafter ''Default Payment Amount'' and ''Default Interest Balance''). Cybex shall consent to a Consent Judgment in the amount of the Default Payment Amount and Default Interest Balance, and the United States, at its sole option, may collect the entire Default Payment Amount and Default Interest Balance, or exercise any other rights granted by law or in equity, including, but not limited to, referring such matters for private collection, and Cybex agrees not to contest, and hereby waives and discharges any defenses to, any collection action undertaken by the United States, or its agents or contractors, pursuant to this paragraph. Cybex shall pay the United States all reasonable costs of collection and enforcement under this paragraph, respectively, including reasonable attorney's fees and expenses.

31. After staff receives this Agreement executed on behalf of Cybex, staff shall promptly submit the Agreement to the Commission for provisional acceptance. Promptly following provisional acceptance of the Agreement by the Commission, the Agreement shall be placed on the public record and published in the **Federal Register**, in accordance with the procedures set forth in 16 CFR 1118.20(e). If the Commission does not receive any written request not to accept the Agreement within fifteen (15) calendar days, the Agreement shall be deemed finally accepted on the 16th calendar day after the date the Agreement is published in the **Federal Register**, in accordance with 16 CFR 1118.20(f).

32. This Agreement is conditioned upon, and subject to, the Commission's final acceptance, as set forth above, and it is subject to the provisions of 16 CFR 1118.20(h). Upon the later of: (i) Commission's final acceptance of this Agreement and service of the accepted Agreement upon Cybex, and (ii) the date of issuance of the final Order, this Agreement shall be in full force and effect, and shall be binding upon the parties.

33. Effective upon the later of: (i) The Commission's final acceptance of the Agreement and service of the accepted Agreement upon Cybex and (ii) and the date of issuance of the final Order, for good and valuable consideration, Cybex hereby expressly and irrevocably waives and agrees not to assert any past, present, or future rights to the following, in connection with the matter described in this Agreement: (i) an administrative or judicial hearing; (ii) judicial review or other challenge or contest of the Commission's actions; (iii) a determination by the Commission of whether Cybex failed to comply with the CPSA and the underlying regulations; (iv) a statement of findings of fact and conclusions of law; and (v) any claims under the Equal Access to Justice Act.

34. Cybex shall maintain a compliance program designed to ensure compliance with the CPSA with respect to any consumer product imported, manufactured, distributed or sold by Cybex, and which shall contain the following elements:

(i) Written standards, policies and procedures, including those designed to ensure that information that may relate to or impact CPSA compliance is conveyed effectively to personnel responsible for CPSA compliance, whether or not an injury is referenced;

(ii) a mechanism for confidential employee reporting of compliance-related questions or concerns to either a compliance officer or to another senior manager with authority to act as necessary;

(iii) effective communication of company compliance-related policies and procedures regarding the CPSA to all applicable employees through training programs or otherwise;

(iv) Cybex's senior management responsibility for, and Cybex's general board oversight, consistent with its policies and procedures of, CPSA compliance; and

(v) retention of all CPSA compliance-related records for at least five (5) years, and availability of such records to CPSC staff upon request.

35. Cybex shall maintain and enforce a system of internal controls and procedures designed to ensure that, with respect to all consumer products imported, manufactured, distributed or sold by Cybex:

(i) Information required to be disclosed by Cybex to the Commission is recorded, processed and reported in accordance with applicable law;

(ii) all reporting made to the Commission is timely, truthful, complete, accurate and in accordance with applicable law; and

(iii) prompt disclosure is made to Cybex's management of any significant deficiencies or material weaknesses in the design or operation of such internal controls that are reasonably likely to affect adversely, in any material respect, Cybex's ability to record, process and report to the Commission in accordance with applicable law.

36. Upon request of staff, Cybex shall provide written documentation of its internal controls and procedures, including, but not limited to, the effective dates of the procedures and improvements thereto. Cybex shall cooperate fully and truthfully with staff and shall make available all non-privileged information and materials, and personnel deemed necessary by staff to evaluate Cybex's compliance with the terms of the Agreement.

37. The parties acknowledge and agree that the Commission may publicize the terms of the Agreement and the Order.

38. Cybex represents that the Agreement: (i) Is entered into freely and voluntarily, without any degree of duress or compulsion whatsoever; (ii) has been duly authorized; and (iii) constitutes the valid and binding obligation of Cybex, enforceable against Cybex in accordance with its terms. The individuals signing the Agreement on behalf of Cybex represent and warrant that they are duly authorized by Cybex to execute the Agreement.

39. The signatories represent that they are authorized to execute this Agreement.

40. The Agreement is governed by the laws of the United States.

41. The Agreement and the Order shall apply to, and be binding upon, Cybex and each of its successors, transferees, and assigns; and a violation of the Agreement or Order may subject Cybex, and each of its successors, transferees, and assigns, to appropriate legal action.

42. The Agreement and the Order constitute the complete agreement between the parties on the subject matter contained therein.

43. The Agreement may be used in interpreting the Order. Understandings, agreements, representations, or interpretations apart from those contained in the Agreement and the Order may not be used to vary or contradict their terms. For purposes of

construction, the Agreement shall be deemed to have been drafted by both of the parties and shall not, therefore, be construed against any party, for that reason, in any subsequent dispute.

44. The Agreement may not be waived, amended, modified, or otherwise altered, except as in accordance with the provisions of 16 CFR 1118.20(h). The Agreement may be executed in counterparts.

45. If any provision of the Agreement or the Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Agreement and the Order, such provision shall be fully severable. The balance of the Agreement and the Order shall remain in full force and effect, unless the Commission and Cybex agree in writing that severing the provision materially affects the purpose of the Agreement and the Order.

CYBEX INTERNATIONAL, INC.

Dated: 1/25/2021.

By: /s/

Kelly Michelle Kaiser,

Secretary, Cybex International, Inc.

Dated: 1/25/2021.

By: /s/

Kathleen M. Sanzo,

Counsel to Cybex International, Inc.

U.S. Consumer Product Safety Commission

Dated: 1/25/2021.

By: /s/

Leah Wade Ippolito,

Supervisory Attorney, Office of Compliance and Field Operations.

United States of America

Consumer Product Safety Commission

In the Matter of: CYBEX INTERNATIONAL, INC. CPSC Docket No.:

Order

Upon consideration of the Settlement Agreement entered into between Cybex International Inc. (''Cybex''), and the U.S. Consumer Product Safety Commission (''Commission''), and the Commission having jurisdiction over the subject matter and over Cybex, and it appearing that the Settlement Agreement and the Order are in the public interest, it is:

Ordered that the Settlement Agreement be, and is, hereby, accepted; and it is

Further ordered that Cybex shall comply with all terms of the Settlement Agreement including payment of a civil penalty in the amount of seven million, nine hundred and fifty thousand dollars ($7,950,000), within thirty (30) days after service of the Commission's final Order accepting the Settlement Agreement. The payment shall be made by electronic wire transfer to the Commission via: *http://www.pay.gov.* Upon the failure of Cybex to make the foregoing payment when due, interest on the unpaid amount shall accrue and be paid by Cybex at the federal legal rate of interest set forth at 28 U.S.C. 1961(a) and (b). If Cybex fails to make such payment or to comply in full with any other provision of the Settlement Agreement, such conduct will be considered a violation of the Settlement Agreement and Order.

Provisionally accepted and provisional Order issued on the 11 day of February, 2021.

By order of the commission:

/s/

Albert Mills,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2021–03121 Filed 2–16–21; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0023]

Agency Information Collection Activities; Comment Request; NAEP 2021 School Survey

AGENCY: Institute for Education Sciences (IES), National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is requesting the Office of Management and Budget (OMB) to conduct an emergency review of an information collection.

DATES: The Department has requested emergency processing from OMB for this information collection request by February 12, 2021. Due to this emergency processing, the Department is also providing the public with the opportunity to comment for 30 days. Interested persons are invited to submit comments on or before March 19, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2021–SCC–0023. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208B, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carrie Clarady, 202–245–6347.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: XX School Survey.

OMB Control Number: 1850–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 36,030.

Total Estimated Number of Annual Burden Hours: 18,016.

Abstract: The NAEP 2021 School Survey is collecting data necessary to fully understand the impact of the COVID–19 pandemic on students and educators, including data on the status of in-person learning. These data shall be disaggregated by student demographics, including race, ethnicity, disability, English-language-learner status, and free or reduced lunch status or other appropriate indicators of family income.'' With the participation of educators and school leaders across the country, NCES will be able to report the percentages of students who received instruction remotely, in-person, or in a hybrid instructional mode for selected districts, states, and the nation. NCES will provide these data for various student groups, in addition to information about attendance rates, in an online dashboard. These metrics are intended to provide stakeholders with a clear portrait of equity in the type, frequency, and amount of instruction students receive monthly across the nation, and in states and participating districts. As monthly data are collected, stakeholders will be able to track progress. In addition, a summative report will be provided at the end of the collection, relating the results to those from the NAEP 2021 School and Teacher Questionnaire.

Additional Information: An emergency clearance approval for the use of the system is described due to the following conditions: NCES requests emergency clearance to comply with the January 21, 2021 Executive Order on Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers which states that the Department of Education must ''coordinate with the Director of the Institute of Education Sciences to facilitate, consistent with applicable law, the collection of data necessary to fully understand the impact of the COVID–19 pandemic on students and educators, including data on the status of in-person learning. These data shall be disaggregated by student demographics, including race, ethnicity, disability, English-language-learner status, and free or reduced lunch status or other appropriate indicators of family income.'' Normal clearance procedures would not allow IES to comply with the intent of this Executive Order.

Dated: February 11, 2021.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer.

[FR Doc. 2021–03162 Filed 2–16–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0022]

Agency Information Collection Activities; Comment Request; National Study To Inform the 21st Century Community Learning Centers (CCLC) Program

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before April 19, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2021–SCC–0022. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208B, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Erica Johnson, (202) 245–7676.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Study to Inform the 21st Century Community Learning Centers (CCLC) Program.

OMB Control Number: 1850–NEW.

Type of Review: New information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 1,228.

Total Estimated Number of Annual Burden Hours: 397.

Abstract: The 21st CCLC program funds services during non-school hours, primarily during the school year. The services aim to help students meet state academic standards, particularly for students in low-performing schools that serve high concentrations of low-income families. Most participants (71 percent) are students attending afterschool centers during the school year, with the remainder being family members (14 percent) or summer attendees (15 percent). Afterschool centers supported by program funds provide a broad range of activities and services, such as academic enrichment, physical activity, service learning, and activities to engage families. Program activities and services may play a crucial role in addressing the substantial learning loss and other challenges that have occurred as a result of the COVID–19 pandemic.

This study will have two components. The first is a national snapshot of strategies that afterschool centers in the 21st CCLC program use to serve their students and families. The national snapshot will complement and extend information from the program's annual performance measures by providing an in-depth understanding of the key outcomes centers aim to promote and the diverse ways their activities and services for students and families, supports for staff, and improvement

strategies are designed to promote these outcomes. Describing these strategies can provide insights into ways that centers seek to address longer-term challenges, such as learning loss and trauma, stemming from the pandemic. The second component is an evaluation of a continuous quality improvement system implemented in the program's afterschool centers. The evaluation will examine the implementation and effectiveness of a system focused on improving staff practices that promote students' social and emotional skills. Promoting these skills may be particularly important to compensate for the effects of the pandemic, in light of evidence that remote learning has negatively affected students' social and emotional well-being.

This package only requests clearance for data collection activities that will occur before March 2022 and impose burden on respondents. These activities, all part of the evaluation of a continuous quality improvement system (the study's second component), involve collecting parent/guardian questionnaires and permission forms, afterschool center coaching logs, and student afterschool attendance records.

Dated: February 11, 2021.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–03163 Filed 2–16–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[EERE–2020–BT–CRT–0018]

Agency Information Collection Extension

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its Certification Reports, Compliance Statements, Application for a Test Procedure Waiver, and Recordkeeping for Consumer Products and Commercial/Industrial Equipment subject to Energy or Water Conservation Standards.

DATES: Comments regarding this collection must be received on or before March 19, 2021. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 395–4718.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Catherine Rivest, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–7335. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2020–BT–CRT–0018, by any of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email:* to *InfoCollection2020CRT0018@ee.doe.gov.* Include docket number EERE–2020–BT–CRT–0018 in the subject line of the message.

3. *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, Suite 600, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov index.* However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *http://www.regulations.gov/#!docketDetail;D=EERE-2020-BT-CRT-0018.* The docket web page will contain simple instructions on how to access all documents, including public comments, in the docket.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995, as amended (PRA), 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), and 1320.12. On November 23, 2020, DOE published a 60-day notice in the **Federal Register** soliciting comment on the information collection request for which it is now seeking OMB approval. See 85 FR 74713. The proposed collection would cover all covered products and equipment subject to DOE's regulatory requirements described in 10 CFR parts 429, 430, and 431. DOE received three comments in response to this notice, which are discussed in section I of this document.

I. Summary of Comments

DOE requested comments as to whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. In response, the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) and Carrier stated that performance data reporting is necessary and proper to ensure that manufacturers are complying with energy conservation standards. (AHRI, No. 2 at p. 2; Carrier No. 4 at p. 1)

AHRI stated that the scope of DOE's reporting requirements are at times overbroad, which creates unnecessary burden. AHRI pointed to the Central Air Conditioners and Heat Pump reporting template as an example of overcollection and noted that it includes many more fields than DOE publishes on its public Compliance Certification Management System (CCMS) database. AHRI asked that DOE exercise greater

caution in developing its reporting requirements for covered products. AHRI noted that DOE should only collect information necessary to ensure compliance. (AHRI, No. 2 at p. 2) AHRI stated that most of the data DOE collects is considered confidential business information, and improper disclosure could significantly harm manufacturers. AHRI therefore requested that DOE restrict its data collection only to that which is necessary to demonstrate compliance. AHRI added that DOE should take appropriate measures to protect the confidential data in its possession and inform manufacturers of a breach immediately. (AHRI, No. 2 at p. 2)

DOE appreciates the feedback from AHRI. DOE notes that it aims to limit the collection of information implemented in the regulatory language to include only information necessary to ensure compliance with energy conservation standards. In its regulatory process, DOE outlines the certification requirements in a proposal and requests comment and input from stakeholders prior to finalizing those requirements. DOE is not considering amending its certification regulations as part of this notice. However, it will consider these comments in any future rulemakings that address certification requirements. DOE notes that access to CCMS is currently secured by password protection. All users are required to register with CCMS and establish usernames and passwords to access CCMS. CCMS complies with the system security standards for Federal systems established by the National Institute of Standards and Technology and set forth in NIST 800–53.

DOE requested comment on the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

DOE received no comments regarding the accuracy of its burden of the information collection activities estimates. Therefore, DOE has not modified those estimates in this notice.

DOE requested comment on ways to enhance the quality, utility, and clarity of the information to be collected. DOE also requested comment on ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

In response, AHRI commented that DOE is frequently late in releasing reporting templates which creates outsized and unnecessary burden on manufacturers and third-party certifiers. AHRI argued that the last-minute release of a template is unjustified as the Department knows the data it intends to collect when it promulgates a rule. AHRI asked that OMB decline DOE's data collection authorization unless DOE promulgates a regulation that requires the release of the reporting templates concurrent with the corresponding regulatory language in the **Federal Register** or at least 180 days before the template is effective if the change did not result from a rule change. AHRI added that the lack of adequate notice undermines due process and facially violates the principles of the Paperwork Reduction Act. AHRI asserted that DOE must release the templates contemporaneously with the final rule. AHRI argued that, upon publication of the final rule, because DOE has already decided what data it intends to collect, it should also be required to provide adequate notice of the format that it intends to use to collect the data so that stakeholders can respond accordingly (AHRI, No. 2 at p. 3–6)

AHRI commented that, although the reporting requirements for all new test procedures or energy conservation standards are presented in the **Federal Register** and Code of Federal Regulations, the format it is presented in is not useful to stakeholders. AHRI commented that the team of programmers they employ to manage their directory and to facilitate the regulatory reporting need a minimum of 3 months to write the necessary data transfer programs. AHRI added that they cannot begin work on the programming until they have received the final certification template. AHRI noted that DOE continues to deliver late templates despite AHRI having issued multiple requests, held meetings, and filed comments requesting a predictable deadline of at least six months to a year prior to the effective date of a standard.

AHRI expressed concern that the change of OMB control number rollout and other ''effective immediately'' templates are especially burdensome. AHRI noted that a template amendment as small as a change of an OMB control number requires re-coding and re-programming data maps and testing those changes. AHRI listed several instances in which they felt that the timeframe between certification template release and the required certification date was insufficient. AHRI commented that stakeholders must have an ability to plan workflows and predictably allocate resources to reporting. AHRI added that stakeholders cannot make business plans for regulatory compliance unless DOE is transparent and consistent in predictably delivering final reporting templates.

DOE appreciates the feedback from AHRI. DOE strives to make certification templates available in a timely manner and will work to post new or revised templates well in advance of certification deadlines. DOE notes that, in the past, AHRI generally has requested that DOE post certification templates six weeks prior to their required use. However, DOE notes that AHRI also requested six months in a comment on DOE's Procedures, Interpretations, and Policies for Consideration of New or Revised Energy Conservation Standards for Consumer Products rulemaking (AHRI, EERE–2017–BT–STD–0062, No. 51 at pg. 32). Going forward, DOE will make its best effort to release new product certification templates at least 180 days prior to their required use.

DOE explains that typically it does not require manufacturers to recertify on newly posted templates until the annual certification date unless manufacturers are required to do so in order to demonstrate compliance with amended standards. For example, DOE posted a template for automatic commercial ice makers on December 18, 2017. In the announcement DOE stated, ''Submissions made on previous versions of the template do not have to be resubmitted until the August 1, 2018 annual certification date if they comply with the amended performance standards.'' DOE notes that it explains the reason a new template is posted in its template announcement and email notification. DOE also notes the CCMS product-template download page maintains a newsfeed on the left side (See *https://www.regulations.doe.gov/ccms/templates*). Regarding the renewal of an OMB control number, DOE notes that this change does not trigger any changes to data maps and should only require updating of a filename in any code.

The American Lighting Association (ALA), Association of Home Appliance Manufacturers (AHAM), Hearth, Patio & Barbecue Association (HPBA), and the Information Technology Industry Council (ITI) (collectively, the Joint Commenters), AHRI, and Carrier all expressed strong support for the elimination of duplicative reporting requirements. (The Joint Commenters, No. 3 at p. 2; AHRI, No. 2 at p. 2; Carrier No. 4 at p. 1)

The Joint Commenters and AHRI each expressed support for DOE's proposal to add fields to CCMS that would allow the California Energy Commission (CEC) to accept CCMS reports in satisfaction of applicable state reporting requirements.

(The Joint Commenters, No. 3 at p. 2; AHRI, No. 2 at p. 5) The Joint Commenters and AHRI went further to say they encourage the streamlining of regulatory reporting that DOE can achieve via its CCMS system including those imposed by Energy Star and Natural Resources Canada (NRCan). (The Joint Commenters, No. 3 at p. 2; AHRI, No. 2 at p. 2) The Joint Commenters noted that this action would be consistent with the Appliance Standards Rulemaking Advisory Committee (ASRAC) recommendation on reporting burden adopted by stakeholders from various points of view on December 5, 2019. (The Joint Commenters, No. 3 at pg. 2) AHRI went on to state that CCMS is a functional and well-maintained database and reporting system, which is better resourced and more reliable than state-run databases. AHRI noted that it has used available technology to facilitate mass uploads of data to CCMS, which has been able to accommodate this data transfer consistently and reliably. AHRI commented that streamlining and consolidating the CEC reporting requirements into CCMS in the same way that the Federal Trade Commission (FTC) reporting was previously addressed would be an unqualified benefit to stakeholders. (AHRI, No. 2 at p. 6)

DOE will continue to consider revisions to CCMS that would facilitate a reduction in duplicative reporting under California's Appliance Efficiency Regulations, as well as others.

The Joint Commenters expressed interest in further reducing regulatory burden by working with the Department to reevaluate the annual certification reporting requirement which results in unnecessary paperwork costs for no reason. The Joint Commenters noted that the ASRAC recommendation adopted by vote of stakeholders from varying points of view on December 5, 2019 also recommended that DOE harmonize its reporting scope with that of the FTC such that only basic models in current production be included in the reporting scope rather than DOE's current scope which indicates models being sold or offered for sale must be reported. The recommendation also urged DOE to eliminate annual reporting such that reporting would be required only when a model is added, removed, or changed in a way that changes energy use. (The Joint Commenters, No. 3 at p. 2)

DOE is not considering amending its regulations as part of this notice, however, it will consider these comments in any future rulemakings that address certification requirements.

This information collection request contains:

(1) *OMB No.:* 1910–1400;

(2) *Information Collection Request Title:* Certification Reports, Compliance Statements, Application for a Test Procedure Waiver, Application for Extension of Representation Requirements, Labeling, and Recordkeeping for Consumer Products and Commercial/Industrial Equipment subject to Federal Energy or Water Conservation Standards;

(3) *Type of Request:* Revision with changes;

(4) *Purpose:* Pursuant to the Energy Policy and Conservation Act, as amended (''EPCA'' or ''the Act''),[1] Public Law 94–163 (42 U.S.C. 6291–6317, as codified), DOE regulates the energy efficiency of a number of consumer products, and commercial and industrial equipment. Title III, Part B [2] of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency of covered consumer products (''covered products''). Title III, Part C [3] of EPCA, added by Public Law 95–619, Title IV, § 441(a), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency of covered commercial and industrial equipment (collectively referred to as ''covered equipment'').

Covered products and covered equipment are described in 10 CFR parts 429, 430, and 431. These covered products and covered equipment, including all product or equipment classes, include: (1) Consumer refrigerators, refrigerator-freezers and freezers; (2) Room air conditioners; (3) Central air conditioners and central air conditioning heat pumps; (4) Consumer water heaters; (5) Consumer furnaces and boilers; (6) Dishwashers; (7) Residential clothes washers; (8) Clothes dryers; (9) Direct heating equipment; (10) Cooking products; (11) Pool heaters; (12) Television sets; (13) Fluorescent lamp ballasts; (14) General service fluorescent lamps, general service incandescent lamps, and incandescent reflector lamps; (15) Faucets; (16) Showerheads; (17) Water closets; (18) Urinals; (19) Ceiling fans; (20) Ceiling fan light kits; (21) Torchieres; (22) Compact fluorescent lamps; (23) Dehumidifiers; (24) External power supplies; (25) Battery chargers; (26) Candelabra base incandescent lamps and intermediate base incandescent lamps; (27) Commercial warm air furnaces; (28) Commercial refrigerators, freezers, and refrigerator-freezers; (29) Commercial heating and air conditioning equipment; (30) Commercial water heating equipment; (31) Automatic commercial ice makers; (32) Commercial clothes washers; (33) Distribution transformers; (34) Illuminated exit signs; (35) Traffic signal modules and pedestrian modules; (36) Commercial unit heaters; (37) Commercial pre-rinse spray valves; (38) Refrigerated bottled or canned beverage vending machines; (39) Walk-in coolers and walk-in freezers and certain components; (40) Metal halide lamp ballasts and fixtures (41) Integrated light-emitting diode lamps; (42) General service lamps; (43) Furnace fans; (44) Pumps; (45) Commercial packaged boilers; (46) Consumer miscellaneous refrigeration equipment; (47) Portable air conditioners; (48) Compressors; (49) Electric motors; (50) Small electric motors (51) Rough service lamps; and (52) Vibration service lamps.

Under EPCA, DOE's energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. For consumer products, relevant provisions of the Act specifically include definitions (42 U.S.C. 6291), energy conservation standards (42 U.S.C. 6295), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), and the authority to require information and reports from manufacturers (42 U.S.C. 6296). For covered equipment, relevant provisions of the Act include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316).

DOE is seeking to renew its information collection related to the following aspects of the appliance standards program: (1) Gathering data and submitting certification and compliance reports for each basic model distributed in commerce in the U.S. including supplemental testing instructions for certain commercial equipment; (2) maintaining records underlying the certified ratings for each basic model including test data and the associated calculations; (3) applications for a test procedure waiver, which

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020).

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

[3] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

manufacturers may elect to submit if they manufacture a basic model that cannot be tested pursuant to the DOE test procedure; (4) applications requesting an extension of the date by which representations must be made in accordance with any new or amended DOE test procedure; and (5) labeling.

DOE's certification and compliance activities ensure accurate and comprehensive information about the energy and water use characteristics of covered products and covered equipment sold in the United States. Manufacturers of all covered products and covered equipment must submit a certification report before a basic model is distributed in commerce, annually thereafter,[4] and if the basic model is redesigned in such a manner to increase the consumption or decrease the efficiency of the basic model such that the certified rating is no longer supported by the test data. Additionally, manufacturers must report when production of a basic model has ceased and is no longer offered for sale as part of the next annual certification report following such cessation. DOE requires the manufacturer of any covered product or covered equipment to establish, maintain, and retain the records of certification reports, of the underlying test data for all certification testing, and of any other testing conducted to satisfy the requirements of part 429, part 430, and/or part 431. Certification reports provide DOE and consumers with comprehensive, up-to-date efficiency information and support effective enforcement.

As the result of a negotiated rulemaking, DOE adopted additional certification requirements for commercial HVAC, water heater, and refrigeration equipment. Specifically, DOE requires manufacturers of commercial refrigeration equipment and some types of commercial HVAC equipment to submit a PDF with specific testing instructions to be used by the Department during verification and enforcement testing. Manufacturers of commercial water heating equipment and some types of commercial HVAC equipment have the option of submitting a PDF with additional testing instructions at the manufacturer's discretion. For additional information on the negotiated rulemaking or supplemental testing instructions see docket number EERE–2013–BT–NOC–0023.

On December 18, 2014, Congress enacted the EPS Service Parts Act of 2014 (Pub. L. 113–263, ''Service Parts Act''). That law exempted manufacturers of certain external power supplies (''EPSs'') that were made available as service and spare parts for end-use products manufactured before February 10, 2016, from the energy conservation standards that DOE promulgated in its February 2014 rule. See 79 FR 7846 (Feb. 10, 2014). Additionally, the Service Parts Act permits DOE to require manufacturers of an EPS that is exempt from the 2016 standards to report to DOE the total number of such EPS units that are shipped annually as service and spare parts and that do not meet those standards. (42 U.S.C. 6295(u)(5)(A)(ii)) DOE may also limit the applicability of the exemption if the Secretary determines that the exemption is resulting in a significant reduction of the energy savings that would result in the absence of the exemption. (42 U.S.C. 6295(u)(5)(A)(iii)) In a final rule published on May 16, 2016, DOE adopted reporting requirements for EPS manufacturers to provide the total number of exempt EPS units sold as service and spare parts for which the manufacturer is claiming exemption from the current standards. 81 FR 30157.

On April 30, 2015, Congress enacted the Energy Efficiency Improvement Act of 2015 (Pub. L. 114–11, ''Energy Efficiency Improvement Act''). That law established definitions and energy conservation standards for grid-enabled water heaters that DOE promulgated in its August 2015 Final Rule. See 80 FR 48004 (Aug. 11, 2015). Additionally, the Energy Efficiency Improvement Act mandates DOE to require manufacturers of grid-enabled water heaters to report to DOE the total number of such units that are shipped annually. (42 U.S.C. 6295(e)(6)(C)(i)).

DOE currently requires manufacturers or their party representatives to prepare and submit certification reports and compliance statements using DOE's electronic Web-based tool, the Compliance and Certification Management System (CCMS), which is the primary mechanism for submitting certification reports to DOE. CCMS currently has product and equipment specific templates which manufacturers are required to use when submitting certification data to DOE. DOE believes the availability of electronic filing through the CCMS system reduces reporting burdens, streamlines the process, and provides the Department with needed information in a standardized, more accessible form. This electronic filing system also ensures that records are recorded in a permanent, systematic way.

Manufacturers also may rely on CCMS reporting to satisfy certain reporting requirements established by the FTC. EPCA directs the FTC generally to prescribe labeling rules for the consumer products subject to energy conservation standards under EPCA. (42 U.S.C. 6296) The required labels generally must disclose the estimated annual operating cost of such product (determined in accordance with Federal test procedures); and information respecting the range of estimated annual operating costs for covered products to which the rule applies. (42 U.S.C 6296(c)(1)) Pursuant to EPCA, the FTC prescribed the Energy Labeling Rule, which in part, requires manufacturers to attach yellow EnergyGuide labels to many of the covered consumer products. See 16 CFR part 305. EnergyGuide labels for most products subject to the FTC labeling requirement contain three key disclosures: Estimated annual energy cost (16 CFR 305.5); a product's energy consumption or energy efficiency rating as determined from DOE test procedures (*Id.*); and a comparability range displaying the highest and lowest energy costs or efficiency ratings for all similar models (16 CFR 305.10).

The Energy Labeling Rule also contains reporting requirements for most products, under which manufacturers must submit data to the FTC both when they begin manufacturing new models and on an annual basis thereafter. 16 CFR 305.8. These reports must contain, among other things, estimated annual energy consumption or energy efficiency ratings, similar to what is required under DOE's reporting requirement. *Id.* Prior to 2013, FTC collected energy data on products subject to the Energy Labeling Rule separate from DOE through paper and email submissions to the FTC. This arrangement required manufacturers to submit nearly duplicative reports to DOE and FTC.

However, in 2013 the FTC streamlined and harmonized its reporting requirements by giving manufacturers the option to report FTC-required data through DOE's CCMS, in lieu of the traditional practice of submitting directly to FTC. 78 FR 2200 (Jan. 10, 2013); 16 CFR 305.8(a)(1). As such, the CCMS reduces duplicative reporting for manufacturers of covered consumer products that are also required to report under the FTC Energy Label Rule.

DOE allows manufacturers of both consumer products and/or commercial equipment to apply for a test procedure waiver. Manufacturers may submit an application for a test procedure waiver

[4] With the exception of electric motors, and small electric motors.

at his or her discretion if it is determined that the basic model for which the petition for waiver was submitted contains one or more design characteristics that prevents testing of the basic model according to the prescribed test procedures, or if the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. The Department currently uses and will continue to use the information submitted in the application for a waiver as the basis for granting or denying the petition. See 10 CFR 430.27 for additional information on petitions for waivers and for consumer products. See 10 CFR 431.401 for additional information on petitions for waivers for commercial equipment.

DOE also allows manufacturers of both consumer products and/or commercial equipment to submit applications requesting an extension of the date by which representations must be made in accordance with any new or amended DOE test procedure. DOE may grant extensions of up to 180 days if it determines that making such representations would impose an undue hardship on the petitioner. The Department currently uses and will continue to use the information submitted in these applications as the basis for granting or denying the petition.

In addition to the FTC labeling requirements for consumer products discussed, EPCA directs DOE to establish labeling requirements for covered industrial and commercial equipment when specified criteria is met. If the Department has prescribed test procedures for any class of covered equipment, a labeling rule applicable to such class of covered equipment must be prescribed. (42 U.S.C. 6315(a)) EPCA, however, requires that certain criteria must be met prior to DOE prescribing a given labeling rule. Specifically, DOE must determine that: (1) Labeling is technologically and economically feasible with respect to any particular equipment class; (2) significant energy savings will likely result from such labeling; and (3) labeling is likely to assist consumers in making purchasing decisions. (42 U.S.C. 6315(h)) DOE has established labeling requirements under the authority in 42 U.S.C. 6315 for electric motors (10 CFR 431.31), walk-in coolers and freezers (10 CFR 431.305), and pumps (10 CFR 431.466).

(5) *Annual Estimated Number of Respondents:* 2,000;

(6) *Annual Estimated Number of Total Responses:* 20,000;

(7) *Annual Estimated Number of Burden Hours:* 773,060 (35 hours per certification, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information; 16 additional hours for creating supplement testing instructions for commercial HVAC, water heating, and refrigeration equipment manufacturers; 160 hours for test procedure waiver preparation; 160 hours for representation extension request preparation; 1 hour for creating and applying a label for walk-in cooler and freezer, commercial and industrial pump, and electric motor manufacturers);

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $77,306,000.

Statutory Authority

Section 326(d) of the Energy Policy and Conservation Act, Public Law 94–163, as amended (42 U.S.C. 6296); 10 CFR parts 429, 430, and 431.

Signing Authority

This document of the Department of Energy was signed on February 11, 2021, by Kelly Speaks-Backman, Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Acting Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on February 11, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–03154 Filed 2–16–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–1148–001.

Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.

Description: Compliance filing: FirstEnergy submits on behalf of ATSI et al. OIA, SA No. 2853 Compliance Part 1 to be effective 5/1/2020.

Filed Date: 2/10/21.

Accession Number: 20210210–5035.

Comments Due: 5 p.m. ET 3/3/21.

Docket Numbers: ER20–1148–002.

Applicants: American Transmission Systems, Incorporated., PJM Interconnection, L.L.C.

Description: Compliance filing: FirstEnergy submits on behalf of ATSI et al. OIA, SA No. 2853 Compliance Part 2 to be effective 5/1/2020.

Filed Date: 2/10/21.

Accession Number: 20210210–5036.

Comments Due: 5 p.m. ET 3/3/21.

Docket Numbers: ER21–1076–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3206 WAPA–UGP & Northern States Power Company Att AO Cancel to be effective 12/31/2020.

Filed Date: 2/10/21.

Accession Number: 20210210–5016.

Comments Due: 5 p.m. ET 3/3/21.

Docket Numbers: ER21–1077–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3207 WAPA–UGP & Montana-Dakota Utilities Att AO Cancellation to be effective 12/31/2020.

Filed Date: 2/10/21.

Accession Number: 20210210–5023.

Comments Due: 5 p.m. ET 3/3/21.

Docket Numbers: ER21–1078–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3208 WAPA–UGP & Otter Tail Power Company Att AO Cancellation to be effective 12/31/2020.

Filed Date: 2/10/21.

Accession Number: 20210210–5025.

Comments Due: 5 p.m. ET 3/3/21.

Docket Numbers: ER21–1079–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3239 WAPA–UGP & Montana-Dakota Utilities Co. Att AO Cancel to be effective 12/31/2020.

Filed Date: 2/10/21.

Accession Number: 20210210–5026.

Comments Due: 5 p.m. ET 3/3/21.

Docket Numbers: ER21–1080–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions to Attachment J Schedule 2 to

Remove Facilities to be effective 4/12/2021.

Filed Date: 2/10/21.

Accession Number: 20210210–5041.

Comments Due: 5 p.m. ET 3/3/21.

Docket Numbers: ER21–1081–000.

Applicants: Eagle Creek Racine Hydro, LLC.

Description: Baseline eTariff Filing: Market Based Rate Application with Requests for Status, Waivers, and Expedition to be effective 4/11/2021.

Filed Date: 2/10/21.

Accession Number: 20210210–5042.

Comments Due: 5 p.m. ET 3/3/21.

Docket Numbers: ER21–1082–000.

Applicants: Tucson Electric Power Company.

Description: § 205(d) Rate Filing: Service Agreement for Firm Long Term Transmission Service to be effective 1/11/2021.

Filed Date: 2/10/21.

Accession Number: 20210210–5050.

Comments Due: 5 p.m. ET 3/3/21.

Docket Numbers: ER21–1083–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions to Clarify that No Project May Be Authorized from 20-Year Assessment to be effective 4/12/2021.

Filed Date: 2/10/21.

Accession Number: 20210210–5054.

Comments Due: 5 p.m. ET 3/3/21.

Docket Numbers: ER21–1084–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original WMPA 5966; Queue No. AF1–174 to be effective 1/11/2021.

Filed Date: 2/10/21.

Accession Number: 20210210–5062.

Comments Due: 5 p.m. ET 3/3/21.

Docket Numbers: ER21–1085–000.

Applicants: Midcontinent Independent System Operator, Inc., Otter Tail Power Company.

Description: § 205(d) Rate Filing: 2021–02–10_SA 3633 OTP–MDU T–T (Oakes Ellendale) to be effective 1/19/2021.

Filed Date: 2/10/21.

Accession Number: 20210210–5064.

Comments Due: 5 p.m. ET 3/3/21.

Docket Numbers: ER21–1086–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No. 5976; Queue No. AF1–137 to be effective 1/11/2021.

Filed Date: 2/10/21.

Accession Number: 20210210–5072.

Comments Due: 5 p.m. ET 3/3/21.

Docket Numbers: ER21–1087–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of WMPA, SA No. 4918; Queue No. AC2–072 to be effective 3/22/2021.

Filed Date: 2/10/21.

Accession Number: 20210210–5077.

Comments Due: 5 p.m. ET 3/3/21.

Docket Numbers: ER21–1088–000.

Applicants: New York Independent System Operator, Inc., Niagara Mohawk Power Corporation.

Description: § 205(d) Rate Filing: Joint SGIA among NYISO, NMPC and SunEast Watkins Road Solar (SA2591) to be effective 1/27/2021.

Filed Date: 2/10/21.

Accession Number: 20210210–5081.

Comments Due: 5 p.m. ET 3/3/21.

Docket Numbers: ER21–1089–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of WMPA, SA No. 4953; Queue No. AC2–074 to be effective 3/22/2021.

Filed Date: 2/10/21.

Accession Number: 20210210–5082.

Comments Due: 5 p.m. ET 3/3/21.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES21–30–000.

Applicants: Northern Maine Independent Administrator.

Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities for Northern Maine Independent Administrator, Inc.

Filed Date: 2/10/21.

Accession Number: 20210210–5074.

Comments Due: 5 p.m. ET 3/3/21

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 10, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–03145 Filed 2–16–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–44–000]

LA Storage, LLC; Notice of Applcation and Establishing Intervention Deadline

Take notice that on January 29, 2021, LA Storage, LLC (LA Storage), 1500 Post Oak Blvd., Suite 1000, Houston, Texas 77056, filed in the above referenced docket an application pursuant to section 7(c) of the Natural Gas Act (NGA) and Parts 157 and 284 of the Commission's regulations to construct and operate a new natural gas storage and transmission facilities (the Hackberry Storage Project) located in Cameron and Calcasieu Parishes, Louisiana. Specifically, LA Storage request to convert three existing salt dome caverns to natural gas storage service and develop one new salt dome cavern, as well as construct approximately 11.1 miles of 42-inch diameter natural gas pipeline, compression, and appurtenant facilities. LA Storage request the approval of market-based rates for the Hackberry Storage project, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

LA Storage's application states that a water quality certificate under section 401 of the Clean Water Act is required for the project from the Louisiana Department of Environmental Quality. The request for certification must be submitted to the certifying agency and to the Commission concurrently. Proof of the certifying agency's receipt date must be filed no later than five (5) days after the request is submitted to the certifying agency.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National

Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application should be directed to Jerrod L. Harrison, 488 8th Avenue, San Diego, California 92101, by telephone at (619) 696–2987, or by email at *jharrison@sempraglobal.com.*

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are two ways to become involved in the Commission's review of this project: You can file comments on the project, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on March 3, 2021.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please submit your comments on or before March 3, 2021.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number (CP21–44–000) in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address below.[2] Your written comments must reference the Project docket number (CP21–44–000).

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov*.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[3] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure[4] and the regulations under the NGA[5] by the intervention deadline for the project, which is March 3, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number (CP21–44–000) in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docsfiling/* efiling/document-less-intervention.pdf.; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the

[1] 18 CFR (Code of Federal Regulations) 157.9.

[2] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[3] 18 CFR 385.102(d).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

address below.[6] Your motion to intervene must reference the Project docket number (CP21–44–000).

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov*.

Motions to intervene must be served on the applicant either by mail or email at: 488 8th Avenue, San Diego, California 92101 or at *jharrison@sempraglobal.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed[7] motions to intervene are automatically granted by operation of Rule 214(c)(1).[8] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[9] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docsfiling/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on March 3, 2021.

Dated: February 10, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–03157 Filed 2–16–21; 8:45 am]

BILLING CODE 6717–01–P

[6] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[7] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[8] 18 CFR 385.214(c)(1).

[9] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4428–011]

Walden Hydro, LLC; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* P–4428–011.

c. *Date filed:* May 29, 2020.

d. *Applicant:* Walden Hydro, LLC.

e. *Name of Project:* Walden Hydroelectric Project.

f. *Location:* On the Wallkill River, in the Village of Walden, Orange County, New York. The project does not occupy any federal land.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Tim Carlsen, CEO, Hydroland, Inc.,[1] 403 Madison Ave. #240, Bainbridge Island, WA 98110; Phone at (844) 493–7612 or email at *tim@hydrolandcorp.com.*

i. *FERC Contact:* Samantha Pollak at (202) 502–6419, or *samantha.pollak@ferc.gov.*

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–4428–011.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted and is now ready for environmental analysis.

The Council on Environmental Quality (CEQ) issued a final rule on July 15, 2020, revising the regulations under 40 CFR parts 1500–1518 that federal agencies use to implement NEPA (see Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act, 85 FR 43,304). The Final Rule became effective on and applies to any NEPA process begun after September 14, 2020. An agency may also apply the regulations to ongoing activities and environmental documents begun before September 14, 2020, which includes the proposed Walden Project. Commission staff intends to conduct its NEPA review in accordance with CEQ's new regulations.

l. The Walden Project consists of: (1) A 417-foot-long (consisting of 165-foot-long east-west and 252-foot-long north-south portions), V-shaped concrete dam topped with 2-foot-high flashboards; (2) an impoundment with a surface area of 69 acres at the normal pool elevation of 321.3 feet National Geodetic Vertical Datum of 1929 (NGVD29); (3) an intake structure consisting of a 252-foot-long, 56-foot-wide, 18-foot-deep canal

[1] In a February 3, 2021 filing, the Commission was notified that Enel Green Power North America, Inc. transferred all its ownership interests for Walden Hydro, LLC to Hydroland, Inc.

forebay; (4) a 6-foot-wide sluice gate for a minimum flow of 31 cfs; (5) four 40-foot-long steel penstocks; (6) a 60-foot-long, 45-foot-wide, 29-foot-high powerhouse containing three horizontal double-runner Francis turbine units with actual ratings of 740 kilowatts (kW), 540 kW, and 360 kW, respectively, for a total capacity of 1,640 kW; [2] (7) a 30-foot-long, 37-foot-wide tailrace; (8) a 230-foot-long bypassed reach; (9) a 115-foot-long transmission line from the project generators to a New York State Electric and Gas Corporation's 4.16-kilovolt (kV) distribution line; (10) a substation with a single-phase 13.2-kV transformer; and (11) appurtenant facilities.

Walden Hydro proposes to continue operating the project in a run-of-river mode, with no changes to the existing operation or facilities.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. A license applicant must file no later than 60 days following the date of issuance of this notice: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

o. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Deadline for Filing Comments, Recommendations, and Agency Terms and Conditions/Prescriptions.	April 2021.
Deadline for Filing Reply Comments.	May 2021.

Dated: February 10, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–03156 Filed 2–16–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4451–024]

Green Mountain Power Corporation, City of Somersworth, New Hampshire; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 4451–024.

c. *Date filed:* April 30, 2020.

d. *Applicants:* Green Mountain Power and the City of Somersworth, New Hampshire.

e. *Name of Project:* Lower Great Falls Hydroelectric Project.

f. *Location:* On the Salmon Falls River in Strafford County, New Hampshire, and York County, Maine. The project does not occupy federal land.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. John Greenan, Green Mountain Power Corporation, 1252 Post Road, Rutland, VT 05701; Phone at (802) 770–2195, or email at *john.greenan@greenmountainpower.com*.

i. *FERC Contact:* Amanda Gill, (202) 502–6773 or *amanda.gill@ferc.gov*.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–4451–024.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted and is ready for environmental analysis at this time.

The Council on Environmental Quality (CEQ) issued a final rule on July 15, 2020, revising the regulations under 40 CFR parts 1500–1518 that federal agencies use to implement the National Environmental Policy Act (NEPA) (see Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act, 85 FR 43,304). The Final Rule became effective on and applies to any NEPA

[2] In an October 14, 2020 filing, Walden Hydro stated that although the total rated capacity of the project as stated in the license application is 2,110 kW (980 kW, 630 kW, and 500 kW), the maximum achievable output from each turbine/generator unit is lower than the stated capacities.

process begun after September 14, 2020. An agency may also apply the regulations to ongoing activities and environmental documents begun before September 14, 2020, which includes the proposed Lower Great Falls Hydroelectric Project relicensing. Commission staff intends to conduct its NEPA review in accordance with CEQ's new regulations.

l. *Project Description:* The existing Lower Great Falls Hydroelectric Project consists of: (1) A 297-foot-long, 32-foot-high stone masonry and concrete dam that includes the following sections: (a) a 176-foot-long spillway section with a crest elevation of 102.37 feet National Geodetic Vertical Datum of 1929 (NGVD) and 4-foot-high flashboards at an elevation of 106.37 feet NGVD at the top of the flashboards; (b) a 50-foot-long left abutment section with two 8-foot-wide, 8-foot-high low-level outlet gates (only one of which is operational), that control flow into two 7-foot-diameter, 40-foot-long outlet pipes; and (c) a 71-foot-long right abutment section; (2) a 40-acre impoundment with a normal elevation of 106.37 feet NGVD; (3) a 40.5-foot-wide, 20-foot-high intake structure with four 5-foot-wide, 10.5-foot-high steel frame gates and a trashrack with 2-inch bar spacing; (4) an 8.5-foot-diameter, 120-foot-long steel penstock that bifurcates into a 5.3-foot-diameter, 85-foot-long section and a 7.6-foot-diameter, 85-foot-long section; (5) an 8.5-foot-diameter, 140-foot-long steel penstock that bifurcates into a 7-foot-diameter, 85-foot-long section and a 7.6-foot-diameter, 85-foot-long section; (6) a 46-foot-long, 30-foot-wide concrete and brick powerhouse with two 260-kilowatt (kW) F-type Francis turbine-generator units and two 380-kW F-type Francis turbine-generator units, for a total installed capacity of 1.28 megawatts; (7) a 55-foot-long, 30-foot-wide tailrace; (8) a 260-foot-long underground transmission line that delivers power to a 4.16-kilovolt distribution line; and (9) appurtenant facilities. The project creates a 250-foot-long bypassed reach of the Salmon Falls River between the dam and the downstream end of the tailrace.

The project operates as a run-of-river (ROR) facility with no storage or flood control capacity. The project impoundment is maintained at a flashboard crest elevation of 106.37 feet NGVD. The current license requires the project to maintain a continuous minimum flow of 6.05 cubic feet per second (cfs) or inflow, whichever is less, to the bypassed reach for the purpose of protecting and enhancing aquatic resources in the Salmon Falls River. The average annual generation production of the project was 3,916,825 kilowatt-hours from 2005 through 2018.

The applicant proposes to: (1) Continue operating the project in a ROR mode; (2) provide a minimum flow of 30 cfs or inflow, whichever is less, to the bypassed reach; (3) install an eel ramp for upstream eel passage at the project; (4) implement targeted nighttime turbine shutdowns to protect eels during downstream passage; and (5) install a downstream fish passage structure for eels and other fish species.

m. A copy of the application can be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support.

All filings must: (1) Bear in all capital letters the title ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions, or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. The applicant must file no later than 60 days following the date of issuance of this notice: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification. Please note that the certification request must be sent to the certifying authority and to the Commission concurrently.

o. Procedural Schedule: The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Deadline for filing comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions.	April 2021.
Deadline for filing reply comments.	May 2021.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

Dated: February 10, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–03159 Filed 2–16–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: PR21–28–000.

Applicants: Columbia Gas of Ohio, Inc.

Description: Tariff filing per 284.123(b),(e)/: COH Rates effective Jan 29 2021 to be effective 1/29/2021 under PR21–28.

Filed Date: 2/9/2021.

Accession Number: 202102095078.

Comments/Protests Due: 5 p.m. ET 3/2/2021.

Docket Numbers: RP21–427–001.

Applicants: LA Storage, LLC.

Description: Tariff Amendment: Filing of Negotiated Rate, Conforming IW Agreements (Amendment) to be effective 1/1/2021.

Filed Date: 2/8/21.

Accession Number: 20210208–5127.

Comments Due: 5 p.m. ET 2/22/21.

Docket Numbers: RP20–1111–004.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: Compliance filing GT&C Section 49—Bid Evaluation—Compliance Filing 2 to be effective 3/12/2021.

Filed Date: 2/9/21.

Accession Number: 20210209–5081.

Comments Due: 5 p.m. ET 2/22/21.

Docket Numbers: RP21–466–000.

Applicants: Viking Gas Transmission Company.

Description: § 4(d) Rate Filing: Negotiated Rate PAL Agreement—World Fuel to be effective 2/10/2021.

Filed Date: 2/9/21.
Accession Number: 20210209–5132.
Comments Due: 5 p.m. ET 2/22/21.
Docket Numbers: RP21–467–000.
Applicants: Alliance Pipeline L.P.
Description: § 4(d) Rate Filing: Future Sales of Capacity Filing to be effective 3/11/2021.
Filed Date: 2/9/21.
Accession Number: 20210209–5137.
Comments Due: 5 p.m. ET 2/22/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 10, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–03146 Filed 2–16–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

Beowawe Power, LLC	EG21–20–000
Cameron Ridge, LLC	EG21–21–000
Cameron Ridge II, LLC	EG21–22–000
DifWind Farms LTD VI	EG21–23–000
Terra-Gen Dixie Valley, LLC	EG21–24–000
Garnet Wind, LLC	EG21–25–000
Pacific Crest Power, LLC	EG21–26–000
Ridgetop Energy, LLC	EG21–27–000
San Gorgonio Westwinds II, LLC.	EG21–28–000
San Gorgonio Westwinds II—Windustries, LLC.	EG21–29–000
Terra-Gen Mojave Windfarms, LLC.	EG21–30–000
Terra-Gen VG Wind, LLC	EG21–31–000
Texas Big Spring, LLC	EG21–32–000
Yavi Energy, LLC	EG21–33–000
Hecate Energy Ramsey LLC	EG21–34–000
Flat Ridge Interconnection LLC.	EG21–35–000
Central Line Solar, LLC	EG21–36–000
Luna Storage, LLC	EG21–37–000
RE Slate 1 LLC	EG21–38–000
Haystack Wind Project, LLC	EG21–39–000
KCE TX 11, LLC	EG21–41–000
KCE TX 12, LLC	EG21–42–000

Take notice that during the month of January 2021, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2020).

Dated: February 10, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–03148 Filed 2–16–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0048; FRL–10020–32–OAR]

Access by EPA Contractors to Information Claimed as Confidential Business Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Contractor/Subcontractor Access to Data and Request for Comments.

SUMMARY: The Environmental Protection Agency (EPA) plans to authorize various contractors to access information that is submitted to EPA and which may be claimed as, or may be determined to be, confidential business information (CBI). The information is related to EPA's fuel quality programs.

DATES: Comments must be received on or before February 22, 2021.

ADDRESSES: You may send comments, identified by Docket ID No EPA–HQ–OAR–2021–0048, by any of the following methods:

- *Federal eRulemaking Portal:* Submit your comments at *https://www.regulations.gov* (our preferred method). Follow the online instructions for submitting comments.
- *Email:* Email your comments to *a-and-r-Docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2021–0048 in the subject line of the message.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Air & Radiation Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand Delivery or Courier (by scheduled appointment only):* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this notice. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments and additional information on this action, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov* or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Anne-Marie Pastorkovich, Environmental Protection Agency, telephone number: 202–343–9623; email address: *pastorkovich.anne-marie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this notice apply to me?

This action is directed to the general public. However, this action may be of particular interest to parties who submit information to EPA regarding various fuel standards, such as the standards for reformulated and conventional gasoline, regulated blendstocks, diesel fuel, and detergent under 40 CFR part 1090, and for which a final rule was published in the **Federal Register** on December 4, 2020.[1] Parties who may be interested in this action include fuel manufacturers (such as refiners and importers), manufacturers of fuel additives, parties in the fuel distribution chain, and all those who submit 40 CFR part 1090 registrations or reports to EPA via any method or system. Such systems include the EPA Central Data Exchange (CDX), DCFUEL, OTAQReg, and the EPA Moderated Transaction System (EMTS). (Please note that EPA recently published a similar notice to this one, announcing the release of information to contractors and relative to various fuels programs under 40 CFR parts 79 and 80.

[1] *See* ''Fuels Regulatory Streamlining''—Final Rule, 85 FR 78412 (December 4, 2020).

That notice, published on October 26, 2020, is unaffected by today's notice.[2])

This **Federal Register** notice may be of relevance to parties that submit data under the above-listed programs or systems. Since other parties may also be interested, we have not attempted to describe all the specific parties that may be affected by this action. If you have further questions regarding the applicability of this action to a party, please contact the person listed in **FOR FURTHER INFORMATION CONTACT**.

II. Public Participation

Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2021–0048 at *https://www.regulations.gov* (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

As mentioned above, EPA is suspending its Docket Center and Reading Room for public visitors, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov* as there may be a delay in processing mail and faxes. Hand deliveries or couriers will be received by scheduled appointment only. For further information and updates on EPA Docket Center services, please visit us online at *https://www.epa.gov/dockets.*

EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention (CDC), local area health departments, and our Federal partners so that we can respond rapidly as conditions change regarding COVID–19.

III. Description of Programs and Potential Disclosure of Information Claimed as Confidential Business Information (CBI) to Contractors

EPA's Office of Transportation and Air Quality (OTAQ) has responsibility for protecting public health and the environment by regulating air pollution from motor vehicles, engines, and the fuels used to operate them, and by encouraging travel choices that minimize emissions. In order to implement various Clean Air Act (CAA) programs, and to permit regulated entities flexibility in meeting regulatory requirements (*e.g.,* compliance on average), we collect compliance reports and other information from them. Parties may claim the submitted information as CBI. Information submitted under such a claim is handled in accordance with EPA's regulations at 40 CFR part 2, subpart B and in accordance with EPA procedures, including comprehensive system security planning. When EPA has determined that disclosure of information claimed as CBI to contractors is necessary, the corresponding contract must address the appropriate use and handling of the information by the contractor and the contractor must require its personnel who require access to information claimed as CBI to sign written non-disclosure agreements before they are granted access to data.

In accordance with 40 CFR 2.301(h), we have determined that the contractors, subcontractors, and grantees (collectively referred to as ''contractors'') listed below require access to CBI submitted to us under the CAA and in connection with various programs related to the regulation of fuels under 40 CFR part 1090. OTAQ collects this data in order to monitor compliance with CAA programs and, in many cases, to permit regulated parties flexibility in meeting regulatory requirements. Certain programs under 40 CFR part 1090 are designed to permit regulated parties an opportunity to comply on average, or to engage in transactions using various types of credits. For example, parties that participate in programs that utilize credits (*e.g.* the gasoline sulfur and gasoline benzene program) submit information related to credit transactions. Data submitted under 40 CFR part 1090 includes information related to reformulated and conventional gasoline, diesel fuel, detergents, and regulated blendstocks. Fuels program data is reviewed and assessed to determine the success of the programs or to plan for regulatory improvements. We are issuing this notice to inform all affected submitters of information that we plan to grant access to material that may be claimed as CBI to the contractors identified below on a need-to-know basis.

Under EPA Contract Number EP–C–16–012, General Dynamics Information Technology (GDIT) (located at 650 Peter Jefferson Parkway, Suite 300, Charlottesville, VA 22911) provides report processing, program support, technical support and analysis and information technology services that involve access to information claimed as CBI related to 40 CFR part 1090. The following subcontractors of GDIT continue to provide work under this contract:

- CGI Federal, Inc., 12601 Fair Lakes Circle, Fairfax, VA 22033–4902;
- Powersolv, Inc., 1801 Robert Fulton Drive, Suite 550, Reston, VA 20191;
- Premier ITech, Inc., 8869 Grand Ave., Beulah, CO 81023 (a subcontractor of Powersolv, Inc.)
- Potomac Economics, LTD, 9990 Fairfax Blvd., Suite 560, Fairfax, VA 22030

Access to data by GDIT and its subcontractors will begin March 1, 2021 and will continue until June 30, 2021. If the contract is extended, this access will continue for the remainder of the contract without further notice. If the contract expires prior to June 30, 2021, the access will cease at that time. If GDIT employs additional subcontractors to support EPA on a regular basis or on a limited or one-time basis under the above-listed contract, and those subcontractors require access to CBI, EPA will notify interested parties of the contemplated disclosure and provide them with an opportunity to comment by publishing a notice in the **Federal Register**.

Under Contract Number EP–C–16–020, ICF Incorporated, LLC (located at 9300 Lee Highway, Fairfax, VA 22031) provides technical support and data analysis services that may involve access to information claimed as CBI related to 40 CFR part 1090. Access to data will begin March 1, 2021 and will continue until September 30, 2021. If the contract is extended, this access will continue for the remainder of the contract without further notice. If the contract expires prior to September 30, 2021, the access will cease at that time. If ICF employs subcontractors to

[2] *See* ''Access by EPA Contractors to Information Claimed as Confidential Business Information (CBI) Submitted Under Title II of the Clean Air Act and Related Regulations,''—Notice, 85 FR 67738 (October 26, 2020).

support EPA on a regular basis or on a limited or one-time basis under the above-listed contract, and those subcontractors require access to CBI, EPA will notify interested parties of the contemplated disclosure and provide them with an opportunity to comment by publishing a notice in the **Federal Register**.

Under Contract Number 68HERD20A0004, Research Triangle Institute (RTI) (PO Box 12194, Research Triangle Park, NC, 27709–2194) and its subcontractors, Dr. Ruiqing Miao (Auburn University, Auburn, AL) and Dr. Madhu Khanna (University of Illinois at Urbana-Champaign, Urbana, IL), provide technical support and data analysis services that may involve access to information claimed as CBI related to 40 CFR part 1090. Access to data will begin March 1, 2021 and will continue until July 19, 2021. If the contract is extended, this access will continue for the remainder of the contract without further notice. If the contract expires prior to July 19, 2021, the access will cease at that time. If RTI employs additional subcontractors to support EPA on a regular basis or on a limited or one-time basis under the above-listed contract, and those subcontractors require access to CBI, EPA will notify interested parties of the contemplated disclosure and provide them with an opportunity to comment by publishing a notice in the **Federal Register**.

EPA uses the services of Senior Environmental Employees (SEEs) whose involve access to information claimed as CBI related to 40 CFR part 1090. These SEEs are provided under the following two grants:

- National Association for Hispanic Elderly (NAHE) (Grant Number 8399701), 234 E Colorado Boulevard, Suite 300, Pasadena, CA 91101; and
- Senior Service America, Inc. (Grant Number 839480001—Washington, DC; and Grant Number 83967201—Ann Arbor, MI); 8403 Colesville Road, Suite 200, Silver Spring, MD 20910.

Parties who want further information about this notice or about OTAQ's disclosure of information claimed as CBI to contactors may contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: February 10, 2021.

Byron J. Bunker,

Director, Compliance Division, Office of Transportation & Air Quality.

[FR Doc. 2021–03170 Filed 2–16–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0015; FRL–10019–58]

Notice of Receipt of Requests To Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw its requests. In a previous notice, FRL–10009–98, which posted on June 5, 2020; the agency stated it was holding the registration 3573–73, for further review of the comment received regarding the cancellation of the product; the proposed P&G cancellation has been withdrawn. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registrations have been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before March 19, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2021–0015, by one of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Mail: OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. Christopher Green, Registration Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. ATTN: Christopher Green.

Hand Delivery: To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Christopher Green, Registration Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the Agency taking?

This notice announces receipt by EPA of requests from registrants to cancel certain pesticide products registered under FIFRA section 3 (7 U.S.C. 136a) or 24(c) (7 U.S.C. 136v(c)). The affected products and the registrants making the requests are identified in Tables 1–2 of this unit.

Unless a request is withdrawn by the registrant or if the Agency determines

that there are substantive comments that warrant further review of this request, EPA intends to issue an order in the **Federal Register** canceling the affected registrations.

TABLE 1—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredients
228–180	228	Riverdale 3-Way Weed and Feed with Triamine	MCPP–P, DMA salt; 2,4-DP-p, DMA salt & 2,4-D, dimethylamine salt.
228–184	228	Riverdale Sweet Sixteen Weed and Feed with Triamine	MCPP–P, DMA salt; 2,4-DP-p, DMA salt & 2,4-D, dimethylamine salt.
228–210	228	Triamine Premium Liquid Weed & Feed	2,4-DP-p, DMA salt; 2,4-D, dimethylamine salt & MCPP–P, DMA salt.
228–211	228	Triamine 3-Way Lawn Weed Killer	2,4-DP-p, DMA salt; 2,4-D, dimethylamine salt & MCPP–P, DMA salt.
228–269	228	Sweet Sixteen Weed and Feed with Tri-Power (R)	Dicamba, dimethylamine salt; MCPA, dimethylamine salt & MCPP–P, DMA salt.
228–270	228	Riverdale Tri-Power (R) Weed and Feed	Dicamba, dimethylamine salt; MCPA, dimethylamine salt & MCPP–P, DMA salt.
228–271	228	Riverdale Tri-Power (R) Lawn Weed Killer	Dicamba, dimethylamine salt; MCPA, dimethylamine salt & MCPP–P, DMA salt.
228–272	228	Riverdale Tri-Power (R) Spot Weed Killer	Dicamba, dimethylamine salt; MCPA, dimethylamine salt & MCPP–P, DMA salt.
228–276	228	Riverdale Tri-Power (R) Liquid Weed and Feed	Dicamba, dimethylamine salt; MCPA, dimethylamine salt & MCPP–P, DMA salt.
228–277	228	Tri-Power Premium Liquid Weed and Feed	Dicamba, dimethylamine salt; MCPA, dimethylamine salt & MCPP–P, DMA salt.
228–278	228	Riverdale Triamine Premium Granular Weed Killer	2,4-DP-p, DMA salt; 2,4-D, dimethylamine salt & MCPP–P, DMA salt.
228–284	228	Tri-Power (R) Jet-Spray Spot Weed Killer	Dicamba, dimethylamine salt; MCPA, dimethylamine salt & MCPP–P, DMA salt.
228–286	228	Riverdale Tri-Power L.A. Weed and Feed	Dicamba, dimethylamine salt; MCPA, dimethylamine salt & MCPP–P, DMA salt.
228–288	228	Riverdale Triplet (R) Sensitive	MCPP–P, DMA salt; Dicamba, dimethylamine salt & 2,4-D, dimethylamine salt.
228–293	228	Riverdale Dissolve (R) 4000 Weed and Feed	Dimethylamine 2-(2,4-dichlorophenoxy)propionate; 2,4-DP-p, DMA salt & MCPP–P, DMA salt.
228–302	228	Riverdale Triplet (R) L.A. Selective Herbicide	Dicamba, dimethylamine salt; MCPP–P, DMA salt & 2,4-D, dimethylamine salt.
228–303	228	Tri-Power (R) Granular Weed Killer	MCPA, dimethylamine salt; Dicamba, dimethylamine salt & MCPP–P, DMA salt.
228–304	228	3-Way Weed and Feed with Tri-Power (R)	MCPA, dimethylamine salt; Dicamba, dimethylamine salt & MCPP–P, DMA salt.
228–305	228	Riverdale Dissolve (R) Granular Weed Killer	MCPP–P, DMA salt; 2,4-DP-p, DMA salt & 2,4-D, dimethylamine salt.
228–311	228	Riverdale Triplet Hi-D Selective Herbicide	MCPP–P, DMA salt; Dicamba, dimethylamine salt & 2,4-D, dimethylamine salt.
228–342	228	Dissolve Premium Granular Weed Killer	Dimethylamine 2-(2,4-dichlorophenoxy)propionate; 2,4-DP-p, DMA salt & MCPP–P, DMA salt.
228–348	228	Dissolve LBN Weed and Feed	2,4-D, dimethylamine salt; 2,4-DP-p, DMA salt & MCPP–P, DMA salt.
228–372	228	Eclipse Selective Herbicide	2,4-DP-p, DMA salt; MCPA, dimethylamine salt & Clopyralid, monoethanolamine salt.
228–489	228	Triplet Low Odor Premium Lawn Weed Killer Concentrate.	Dicamba; 2,4-D, triisopropanolamine salt & MCPP–P, DMA salt.
228–490	228	Triplet Low Odor Premium Weed and Feed	Dicamba; 2,4-D, triisopropanolamine salt & MCPP–P, DMA salt.
228–492	228	Triplet Low Odor Premium Granular Weed Killer	Dicamba; 2,4-D, triisopropanolamine salt & MCPP–P, DMA salt.
228–493	228	Triplet Low Odor L.A. Granular Weed Killer	Dicamba; 2,4-D, triisopropanolamine salt & MCPP–P, DMA salt.
228- 503	228	Triplet Low Odor Premium Weed and Feed (18/5)	Dicamba; MCPP–P, DMA salt & 2,4-D, triisopropanolamine salt.
228–504	228	Triplet Low Odor Premium Weed and Feed (20/5)	Dicamba; MCPP–P, DMA salt & 2,4-D, triisopropanolamine salt.
228–505	228	Triplet Low Odor L.A. Premium Weed and Feed (16/5)	Dicamba; MCPP–P, DMA salt & 2,4-D, triisopropanolamine salt.
228–506	228	Triplet Low Odor L.A. Premium Weed and Feed (18/5)	Dicamba; MCPP–P, DMA salt & 2,4-D, triisopropanolamine salt.
228–507	228	Triplet Low Odor L.A. Premium Weed and Feed (20/5)	Dicamba; MCPP–P, DMA salt & 2,4-D, triisopropanolamine salt.
228–508	228	Triplet Low Odor Premium 8000 Lawn Weed Killer Concentrate.	Dicamba; 2,4-D, triisopropanolamine salt & MCPP–P, DMA salt.

TABLE 1—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Company No.	Product name	Active ingredients
228–511	228	Triplet Low Odor Premium Spot Lawn Weed Killer Ready-To-Spray.	Dicamba; 2,4-D, triisopropanolamine salt & MCPP–P, DMA salt.
228–593	228	NUP–08041 Ready-To-Use	Pyraflufen-ethyl; Dicamba; MCPP–P, DMA salt & 2,4-D, 2-ethylhexyl ester.
228–712	228	NUP–08040 Premium 8000 Lawn Weed Killer Concentrate.	Pyraflufen-ethyl; Dicamba; MCPP–P, DMA salt & Isooctyl(2-ethyl-4-methylpentyl) 2,4-dichlorophenoxyacetate.
279–3083	279	Pounce WSB Insecticide	Permethrin.
478–114	478	Real-Kill Vegetation Killer	Diquat dibromide.
499–567	499	Tygro Mite Fogger	Etoxazole.
538–168	538	Scotts Improved Super Turf Builder Plus 2	2,4-D & Mecoprop-P.
961–422	961	Preen Landscape Mulch Plus 3	Bifenthrin; Trifluralin & Isoxaben.
1007–99	1007	Nolvasan Solution	Chlorhexidine diacetate.
1007–100	1007	Fort Dodge Nolvasan S	Chlorhexidine diacetate.
1007–101	1007	Chlorhexidine Diacetate	Chlorhexidine diacetate.
5481–597	5481	Scepter Herbicide	3-Quinolinecarboxylic acid, 2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl)-, monoammonium salt.
5481–598	5481	Scepter Herbicide Contains Surfactant	3-Quinolinecarboxylic acid, 2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl)-, monoammonium salt.
5481–601	5481	Timeout Grass Growth Regulator and Weed Killer	3-Quinolinecarboxylic acid, 2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl)-, monoammonium salt.
5481–603	5481	Time Out Plus Herbicide	3-Quinolinecarboxylic acid, 2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl)-, monoammonium salt.
5481–604	5481	Imazaquin/Imazethapyr DG	Imazethapyr & Imazaquin.
5481–606	5481	Backdraft Herbicide	Glyphosate-isopropylammonium &Imazaquin.
5481–607	5481	Backdraft CP Herbicide	Imazaquin.
5481–608	5481	Backdraft SL Herbicide	Glyphosate-isopropylammonium & Imazaquin.
7969–268	7969	Acronis Fungicide Seed Treatment	Pyraclostrobin & Thiophanate-methyl.
7969–352	7969	Xemium 703 Fungicide ST	Fluxapyroxad & Pyraclostrobin.
7969–379	7969	Priaxor Plus Fungicide	Cyproconazole; Pyraclostrobin & Fluxapyroxad.
9688–93	9688	Chemsico Grass & Weed Killer A	Diquat dibromide.
9688–188	9688	Chemsico Herbicide Concentrate DG	Diquat dibromide & Glyphosate-isopropylammonium.
9688–191	9688	Chemsico Herbicide DG RTU	Diquat dibromide & Glyphosate-isopropylammonium.
9688–205	9688	Chemsico Herbicide Concentrate DG II	Glyphosate-isopropylammonium & Diquat dibromide.
9688–211	9688	Chemsico Herbicide Concentrate DT	Glyphosate & Diquat dibromide.
9688–213	9688	Chemsico Herbicide RTU DT	Diquat dibromide & Glyphosate.
9688–278	9688	Chemisco Herbicide Concentrate 1455	Sulfentrazone; Dicamba, dimethylamine salt; MCPP–P, DMA salt & MCPA, dimethylamine salt.
9688–279	9688	Chemisco RTU Herbicide 1456	Sulfentrazone; Dicamba, dimethylamine salt; MCPP–P, DMA salt & MCPA, dimethylamine salt.
9688–283	9688	Herbicide Concentrate 4B	Fluazifop-P-butyl; Dicamba, dimethylamine salt; Oxyfluorfen & Diquat dibromide.
9688–284	9688	Chemsico Herbicide RTU 4B	Diquat dibromide; Fluazifop-P-butyl; Dicamba, dimethylamine salt & Oxyfluorfen.
9688–289	9688	Chemsico Pesticide Concentrate WI–N	2,4-D, dimethylamine salt; MCPP–P, DMA salt; Dicamba, dimethylamine salt & gamma-Cyhalothrin.
9688–290	9688	Chemsico Pesticide Concentrate WI–S	gamma-Cyhalothrin; Dicamba, dimethylamine salt; 2,4-D, dimethylamine salt & MCPP–P, DMA salt.
9688–310	9688	Chemsico Pesticide Granules WI–N	Dicamba, dimethylamine salt; MCPP–P, DMA salt; 2,4-D, dimethylamine salt & gamma-Cyhalothrin.
9688–311	9688	Chemsico Pesticide Granules WI–S	Dicamba, dimethylamine salt; MCPP–P, DMA salt; 2,4-D, dimethylamine salt & gamma-Cyhalothrin.
10324–57	10324	Maquat 42	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) & Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14).
10324–71	10324	Maquat 280	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) & Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14).
10324–158	10324	Maquat 2420 TBD–9	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) & 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride.
10324–160	10324	Maquat 2420 TNT	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) & 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride.
10324–164	10324	Maquat 256 PD	Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14) & Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12).

TABLE 1—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Company No.	Product name	Active ingredients
10324–176	10324	Maquat 2420 TBD–20	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16); 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride & Hydrochloric acid.
15440–31	15440	Marks Mecoprop-P DMA 600	MCPP–P, DMA salt.
34704–927	34704	Chaser Ultra 2 Selective Herbicide	2,4-DP-p, DMA salt; Fluroxypyr-meptyl & MCPA, dimethylamine salt.
42750–354	42750	Cloransulam 84% WDG	Cloransulam-methyl.
42750–355	42750	Cloransulam + Sulfentrazone WDG	Cloransulam-methyl & Sulfentrazone.
42750–356	42750	Cloransulam-methyl Technical	Cloransulam-methyl.
46515–16	46515	Super K-Gro Vegetation Killer Formula II	Diquat dibromide.
46515–32	46515	Super K-Gro All Purpose Garden Spray	Esfenvalerate.
47000–170	47000	Sureco Permethrin RTU Spray	Permethrin.
61282–54	61282	Bioguard GP Disinfectant Sanitizer	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16).
70596–9	70596	Mecoprop-P-DMA 600G/L MP	MCPP–P, DMA salt.
72726–1	72726	Poridon	Piperonyl butoxide & Permethrin.
ID–070001	10163	Onager Miticide	Hexythiazox.
ID–080013	10163	Onager Miticide	Hexythiazox.
MS–090005 ..	279	Dragnet SFR Insecticide	Permethrin.
SC–080002 ...	5905	Pounce 3.2 EC Insecticide	Permethrin.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA company No.	Company name and address
228	NuFarm Americas, Inc., 4020 Aerial Center Pkwy., Ste. 101, Morrisville, NC 27560.
279	FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104.
478	Realex, Div. of United Industries Corp., P.O. Box 142642, St. Louis, MO 63114–0642.
499	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
538	Scotts Company, The, 14111 Scottslawn Road, Marysville, OH 43041.
961	Lebanon Seaboard Corporation, 1600 East Cumberland Street, Lebanon, PA 17042.
1007	Zoetis, Inc., 333 Portage Street, Kalamazoo, MI 49007–4931.
5481	AMVAC Chemical Corporation, 4695 MacArthur Court, Suite 1200, Newport Beach, CA 92660–1706.
5905	Helena Agri-Enterprises, LLC, D/B/A Helena Chemical Comp., 225 Schilling Blvd., Suite 300, Collierville, TN 38017.
7969	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
9688	Chemsico, A Division of United Industries Corp., P.O. Box 142642, St. Louis, MO 63114–0642.
10163	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
10324	Mason Chemical Company, 9075 Centre Pointe Dr., Suite 400, West Chester, OH 45069.
15440	NuFarm Limited, 4020 Aerial Center Pkwy., Suite 101, Morrisville, NC 27560.
34704	Loveland Products, Inc., P.O. Box 1286, Greeley, CO 80632–1286.
42750	Albaugh, LLC, 1525 NE 36th Street, Ankeny, IA 50021.
46515	Celex, Division of United Industries Corp., P.O. Box 142642, St. Louis, MO 63114–0642.
47000	Chem-Tech, Ltd., 620 Lesher Place, Lansing, MI 48912.
61282	Hacco, Inc., 620 Lesher Place, Lansing, MI 48912.
70596	NuFarm Americas, Inc., 4020 Aerial Center Pkwy., Suite 101, Morrisville, NC 27560.
72726	Neogen Corporation, 620 Lesher Place, Lansing, MI 48912.

III. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA (7 U.S.C. 136d(f)(1)(B)) requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) (7 U.S.C. 136d(f)(1)(C)) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or

2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants listed in Table 2 of Unit II have requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 30-day comment period on the proposed requests.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for product cancellation should submit the withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action.

In any order issued in response to these requests for cancellation of product registrations EPA proposes to include the following provisions for the treatment of any existing stocks of the products listed in Table 1 of Unit II.

A. For products 1007–99, 1007–100 and 1007–101. For products 1007–99, 1007–100 and 1007–101, the registrant has requested to sell its existing stocks of Chlorhexidine diacetate containing pesticides until May 31, 2021, the registrants will be permitted to sell and distribute existing stocks of these voluntarily canceled products until May 31, 2021. Thereafter, registrants will be prohibited from selling or distributing the identified products in Table 1 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

B. For products 10324–57, 10324–71, 10324–158, 10324–160, 10324–164, 10324–176. For products 10324–57, 10324–71, 10324–158, 10324–160, 10324–164, 10324–176, the registrant has requested 18-months to sell existing stocks, registrants will be permitted to sell and distribute existing stocks of these voluntarily canceled products for 18-months after the effective date of the cancellation, which will be the date of publication of this cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing these products identified in Table 1 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

C. For product 61282–54. For product 61282–54, the registrant has requested 13-months to sell existing stocks, registrants will be permitted to sell and distribute existing stocks of the voluntarily canceled product for 13-months after the effective date of the cancellation, which will be the date of publication of this cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing these products identified in Table 1 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

For all other voluntary product cancellations, identified in Table 1 of Unit II, registrants will be permitted to sell and distribute existing stocks of the voluntarily canceled products for 1 year after the effective date of the cancellation, which will be the date of publication of the cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing all other products identified in Table 1 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of the canceled products until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: February 4, 2021.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2021–03175 Filed 2–16–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0015; FRL–10019–59]

Notice of Receipt of Requests To Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw its requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registrations have been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before August 16, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2021–0015, by one of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Mail: OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

Submit written withdrawal request by mail to: Christopher Green, Registration Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

Hand Delivery: To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Christopher Green, Registration Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through

regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the Agency taking?

This notice announces receipt by EPA of requests from registrants to cancel certain pesticide products registered under FIFRA section 3 (7 U.S.C. 136a) or 24(c) (7 U.S.C. 136v(c)). The affected products and the registrants making the requests are identified in Tables 1–2 of this unit.

Unless a request is withdrawn by the registrant or if the Agency determines that there are substantive comments that warrant further review of this request, EPA intends to issue an order in the **Federal Register** canceling the affected registrations.

TABLE 1—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredients
241–74	241	Cycocel Plant Growth Regulant	Chlormequat chloride.
69969–1	69969	Flight Control	Anthraquinone.
69969–4	69969	AV–1011 Rice Seed Treatment	Anthraquinone.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA company No.	Company name and address
241	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
69969	Arkion Life Sciences, LLC, Airepel Division, Agent Name: Landis International, Inc., 3815 Madison Highway, P.O. Box 5126, Valdosta, GA 31603–5126.

III. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA (7 U.S.C. 136d(f)(1)(B)) requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) (7 U.S.C. 136d(f)(1)(C)) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or

2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants listed in Table 2 of Unit II have not requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 180-day comment period on the proposed requests.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for product cancellation should submit the withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action.

In any order issued in response to these requests for cancellation of product registrations EPA proposes to include the following provisions for the treatment of any existing stocks of the products listed in Table 1 of Unit II.

For all voluntary product cancellations, listed in Table 1 of Unit II, the registrants will be permitted to sell and distribute existing stocks of voluntarily canceled products for 1 year after the effective date of the cancellation, which will be the date of publication of the cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the products identified in Table 1 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of the canceled products until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: February 4, 2021.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2021–03176 Filed 2–16–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[MB No. 3064–NEW]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Agency information collection activities: Submission for OMB review; comment request.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995, invites the general public and other Federal agencies to take this opportunity to comment on the request to approve a new information collections for its seventh biennial survey of households, which has been renamed the Survey of Household Use of Banking and Financial Services (''Household Survey''). This survey was previously named the FDIC National Survey of Unbanked and Underbanked Households and was assigned OMB Control No. 3064–0167. FDIC is seeking a new OMB Control Number for this version of the survey. The Household Survey is scheduled to be conducted in partnership with the U.S. Census Bureau as a supplement to its June 2021 Current Population Survey (CPS). The survey collects information on U.S. households' use of bank accounts and other transaction accounts including prepaid cards, online payment services, nonbank financial transaction services, and bank and nonbank credit. The results of these ongoing surveys will be published in the FDIC's *How America Banks* reports which help inform policymakers, bankers, and researchers about how households use, or don't use, the banking system. On December 2, 2020, the FDIC requested comment for 60 days on the proposed information collection. No comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request to approve this information collection, and again invites comment on the information collection.

DATES: Comments must be submitted on or before March 19, 2021.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *https://www.FDIC.gov/regulations/laws/federal.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Regulatory Counsel, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Manny Cabeza, Regulatory Counsel, 202–898–3767, *mcabeza@fdic.gov,* MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently approved collection of information:

Title: Survey of Household Use of Banking and Financial Services.

OMB Number: 3064–NEW.

Frequency of Response: Once.

Affected Public: Individuals residing in U.S. Households.

Estimated Number of Respondents: 40,000.

Average time per response: 9 minutes per respondent.

Estimated Total Annual Burden: 6,000 hours.

General Description of Collection

The Survey of Household Use of Banking and Financial Services (''Household Survey'') supports the FDIC's mission of maintaining public confidence in the U.S. financial system. The Household Survey is also a key component of the FDIC's efforts to comply with a Congressional mandate contained in section 7 of the Federal Deposit Insurance Reform Conforming Amendments Act of 2005 (''Reform Act'') (Pub. L. 109–173), which calls for the FDIC to conduct ongoing surveys ''on efforts by insured depository institutions to bring those individuals and families who have rarely, if ever, held a checking account, a savings account or other type of transaction or check cashing account at an insured depository institution (hereafter in this section referred to as the 'unbanked') into the conventional finance system.'' Section 7 further instructs the FDIC to consider several factors in its conduct of the surveys, including: (1) ''What cultural, language and identification issues as well as transaction costs appear to most prevent 'unbanked' individuals from establishing conventional accounts''; and (2) ''what is a fair estimate of the size and worth of the ''unbanked'' market in the United States.''

The Household Survey collects information on bank account ownership which provides a factual basis for measuring the number and percentage of households that are unbanked.

The Household Survey is the only population-representative survey conducted at the national level that provides state-level estimates of the size and characteristics of unbanked households for all 50 states and the District of Columbia. The Household Survey also collects information from unbanked households about the reasons that they do not have a bank account and their interest in having a bank account.

Increasingly, financial products and services are provided by nonbanks, many through the use of a mobile phone app. Households are selecting different combinations of bank and nonbank financial products and services to meet their core banking needs. Consequently, the Household Survey has broadened its focus to include a wide range of bank and nonbank financial products and services and to collect information on whether and how households are using these in combination.

To obtain this information, the FDIC partners with the U.S. Census Bureau, which administers the Household Survey supplement (''FDIC Supplement') to households that participate in the CPS. The FDIC supplement has been administered every other year since January 2009. The previous survey questionnaires and survey results can be accessed through the following link: *http://www.economicinclusion.gov/surveys/.* Interested members of the public may obtain a copy of the proposed survey questionnaire on the following web page: *https://www.fdic.gov/regulations/laws/federal/2021/2021-survey-of-household-use-of-banking-and-financial-services.pdf.*

Consistent with the statutory mandate to conduct the surveys on an ongoing basis, the FDIC already has in place arrangements for conducting the

seventh Household Survey as a supplement to the June 2021 CPS. On December 2, 2020, the FDIC requested comment for 60 days on this proposed information collection to conduct the Household Survey.[1] The FDIC received no comments.

Request for Comment

Comments are again invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on February 10, 2021.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2021–03110 Filed 2–16–21; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0022; –0027; –0103; –0114; –0115; –0163; –0208]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collections described below (OMB Control No. 3064–0022; –0027; –0103; –0114; –0115; –0163).

DATES: Comments must be submitted on or before April 19, 2021.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website: https://www.FDIC.gov/regulations/laws/federal.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Regulatory Counsel, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Manny Cabeza, Regulatory Counsel, 202–898–3767, *mcabeza@fdic.gov,* MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently approved collections of information:

1. *Title:* Uniform Application/Uniform Termination for Municipal Securities Principal or Representative.

OMB Number: 3064–0022.

Form Number: 6200/54; 6200/55.

Affected Public: Individuals and Insured state nonmember banks and state savings associations.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

Information collection description	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response (minutes)	Estimated annual burden (hours)
Uniform Application for Municipal Securities Principal or Representative (MSD 4).	Reporting	Mandatory	2	On Occasion	60	2
Uniform Termination Notice for Securities Principal or Representative (MSD 5).	Reporting	Mandatory	2	On Occasion	15	0.5

Total Estimated Annual Burden: 2.5 hours.

General Description of Collection: The 1975 Amendments to the Securities Exchange Act of 1934 established a comprehensive framework for the regulation of the activities of municipal securities dealers. Under Section 15B(a) of the Securities Exchange Act, municipal securities dealers which are banks, or separately identifiable departments or divisions of banks engaging in municipal securities activities, are required to be registered with the Securities and Exchange Commission in accordance with such rules as the Municipal Securities Rulemaking Board (MSRB), a rulemaking authority established by the 1975 Amendments, may prescribe as necessary or appropriate in the public interest or for the protection of investors. One of the areas in which the Act directed the MSRB to promulgate rules is the qualifications of persons associated with municipal securities dealers as municipal securities principals and municipal securities representatives. The MSRB Rules require persons who are or seek to be associated with municipal securities dealers as municipal securities principals or municipal securities representatives to provide certain background information and conversely, require the municipal securities dealers to obtain the information from such persons. Generally, the information required to be furnished relates to employment history and professional background including any disciplinary sanctions and any claimed bases for exemption from MSRB examination requirements. The FDIC and the other two Federal bank regulatory agencies, the Comptroller of the Currency, and the Federal Reserve Board, have prescribed Forms MSD–4 to satisfy these requirements and have prescribed Form MSD–5 for notification by a bank municipal securities dealer that a

[1] 85 FR 77462 (December 2, 2020).

municipal securities principal's or a municipal securities representative's association with the dealer has terminated and the reason for such termination. State nonmember banks and state savings associations that are municipal security dealers submit these forms, as applicable, to the FDIC as their appropriate regulatory agency for each person associated with the dealer as a municipal securities principal or municipal securities representative. There is no change in the methodology or substance of this information collection.

2. *Title:* Request for Deregistration for Registered Transfer Agents.

OMB Number: 3064–0027.

Form Number: 6342/12.

Affected Public: Insured state nonmember banks and state savings associations.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

Information collection description	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response (hours)	Estimated annual burden (hours)
Request for Deregistration for Registered Transfer Agents.	Reporting	Mandatory	1	On Occasion	0.42	0.42

Total Estimated Annual Burden: 0.42 hours.

General Description of Collection: Under the Securities Exchange Act of 1934 (15 U.S.C. 78q–1), an insured nonmember bank (or a subsidiary of such a bank) that functions as a transfer agent may withdraw from registration as a transfer agent by filing a written notice of withdrawal with the FDIC. The FDIC requires such banks to file FDIC Form 6342/12 as the written notice of withdrawal. There is no change in the methodology or substance of this information collection.

3. *Title:* Recordkeeping Requirements Associated with Real Estate Appraisals and Evaluations.

OMB Number: 3064–0103.

Form Number: None.

Affected Public: Insured State Nonmember Banks and State Savings Associations.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

Information collection description	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response (minutes)	Estimated annual burden (hours)
Recordkeeping Requirements Associated with Real Estate Appraisals and Evaluations.	Recordkeeping	Mandatory	3,245	On Occasion	5	80

Total Estimated Annual Burden: 80 hours.

General Description of Collection: FIRREA directs the FDIC to prescribe appropriate performance standards for real estate appraisals connected with federally related transactions under its jurisdiction. This information collection is a direct consequence of the statutory requirement. It is designed to provide protection for federal financial and public policy interests by requiring real estate appraisals used in connection with federally related transactions to be performed in writing, in accordance with uniform standards, by an appraiser whose competency has been demonstrated and whose professional conduct will be subject to effective supervision. The overall reduction in burden hours is a result of economic fluctuation. In particular, the number of respondents has decreased, the reporting frequency has increased while the estimated time per response remains the same.

4. *Title:* Foreign Banks.

OMB Number: 3064–0114.

Form Number: None.

Affected Public: Insured branches of foreign banks.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

Information collection description	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response	Estimated annual burden (hours)
Moving a Branch	Reporting	Mandatory	1	On Occasion	8 hours	8
Consent to Operate	Reporting	Mandatory	1	On Occasion	8 hours	8
Approval to Conduct Activities	Reporting	Mandatory	1	On Occasion	8 hours	8
Pledge of Assets Documents	Reporting	Mandatory	10	Quarterly	15 minutes	10
Pledge of Asset Reports	Reporting	Mandatory	10	Quarterly	2 hours	80
Recordkeeping	Recordkeeping	Mandatory	10	On Occasion	120 hours	1,200

Total Estimated Annual Burden: 1,314 hours.

General Description of Collection: Applications to move an insured state-licensed branch of a foreign bank; applications to operate as such noninsured state-licensed branch of a foreign bank; applications from an

insured state-licensed branch of a foreign bank to conduct activities that are not permissible for a federally licensed branch; internal recordkeeping by such branches; and reporting and recordkeeping requirements relating to such a branch's pledge of assets to the FDIC. There is no change in the methodology or substance of this information collection.

5. *Title:* Prompt Corrective Action.

OMB Number: 3064–0115.

Form Number: None.

Affected Public: Insured state nonmember banks and state savings associations.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

Information collection description	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response (hours)	Estimated annual burden (hours)
Prompt Corrective Action	Reporting	Voluntary	17	On Occasion	4	68

Total Estimated Annual Burden: 68 hours.

General Description of Collection: The Prompt Corrective Action (PCA) provisions of section 38 of the Federal Deposit Insurance Act require or permit the FDIC and other federal banking agencies to take certain supervisory actions when FDIC-insured institutions fall within certain capital categories. They also restrict or prohibit certain activities and require the submission of a capital restoration plan when an insured institution becomes undercapitalized. Various provisions of the statute and the FDIC's implementing regulations require the prior approval of the FDIC before an FDIC-supervised institution, or certain insured depository institutions, can engage in certain activities, or allow the FDIC to make exceptions to restrictions that would otherwise be imposed. This collection of information consists of the applications that are required to obtain the FDIC's prior approval to engage in these activities. There is no change in the method or substance of the collection.

6. *Title:* Qualified Financial Contracts.

OMB Number: 3064–0163.

Form Number: None.

Affected Public: State non-member banks and savings associations.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

Information collection description	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response (hours)	Estimated annual burden (hours)
Reporting Requirements	Reporting	Mandatory	190	Monthly	2	4,560
Recordkeeping Requirements	Recordkeeping	Mandatory	190	Quarterly	10	7,600
Application for Extension of Time	Reporting	Mandatory	20	On occasion	0.5	10
Full Scope Entities	Recordkeeping	Mandatory	2	On occasion	3,000	6,000
Limited Scope Entities	Recordkeeping	Mandatory	110	On occasion	5	550

Total Estimated Annual Burden: 18,720 hours.

General Description of Collection: This collection consists of recordkeeping requirements for qualified financial contracts (QFCs) held by insured depository institutions in troubled condition. There is no change in the methodology or substance of this information collection.

7. *Title:* Restrictions on Qualified Financial Contracts of Subsidiaries of certain FDIC-Supervised Institutions; Revisions to the Definition of Qualifying Master Netting Agreement and Related Definitions.

OMB Number: 3064–0208.

Form Number: None.

Affected Public: Private sector.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

Information collection description	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response (hours)	Estimated annual burden (hours)
Process for Approval of Enhanced Creditor Protections.	Reporting	Mandatory	6	On occasion	40	240

Total Estimated Annual Burden: 240 hours.

General Description of Collection: This rule is necessary to give effect to such cross-default restrictions in the ISDA Protocol. The rule requires that FDIC-supervised institutions that are subsidiaries of GSIBs and their counterparties either adhere to the ISDA Protocol or take the prescribed steps to amend the contractual provisions of their QFCs, consistent with the requirements in the rule, within a specified period of time. If such institutions elect to amend their QFCs in lieu of adhering to the ISDA Protocol, they must seek the FDIC's approval of the proposed amendments, giving rise to the information collection. The information collection is necessary to ensure QFC contracts are amended in compliance with the rule. The FDIC's rule applies to FDIC-supervised institutions that are subsidiaries of

GSIBs and sets forth requirements parallel to those contained in similar rules recently published by the FRB and the OCC with regard to entities they supervise to ensure consistent regulatory treatment of QFCs among the various entities within a GSIB group. There is no change in the methodology or substance of this information collection.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on February 11, 2021.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2021–03171 Filed 2–16–21; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS21–01]

Standardized Instructions and Format To Be Used for Interim and Final Progress Reporting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council

ACTION: The Appraisal Subcommittee (ASC) is issuing this Notice of Request for public comment on the standardized Appraisal Subcommittee Progress Report (ASC–PR) format to be used for both interim and final progress reporting for all ASC grants and submission to Office of Management and Budget (OMB) of proposed collection of information.

DATES: Written comments must be received on or before March 19, 2021 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: For information on the ASC–PR, contact Maria Brown, Regulatory Affairs Specialist, ASC at 202–792–1197 or *Maria@asc.gov.*

SUMMARY: This proposed information collection was previously published in the **Federal Register** on November 20, 2020 and allowed 60 days for public comment. No comments were received to that Notice. In conjunction with the Paperwork Reduction Act of 1995, the ASC has submitted to the OMB a request for review and approval of information collection listed below. The purpose of this notice is to allow an additional 30 days for public comment from all interested individuals and organizations.

SUPPLEMENTARY INFORMATION:

Title: ASC Progress Report Standardized Instructions and Format for Interim and Final Progress Reporting.

The ASC has established new grant-making programs and is responsible for monitoring its grantees on the use of federal funds. The ASC developed this progress report for both interim and final progress reports for grants issued under ASC authority. The progress report will be submitted to the ASC semi-annually as an attachment to the Standard Form 425, *Federal Financial Report.* A draft version of the instructions and format for the report is posted on the ASC website at *https://www.asc.gov/Documents/GrantsFundingCorrespondence/PR-FFR%20Reporting%20Instructions%20and%20Form.pdf.* The report will benefit award recipients by making it easier for them to administer federal grant and cooperative agreement programs through standardization of the types of information required in progress reports, thereby reducing their administrative effort and costs.

OMB Number: New Collection.

Burden Estimates:

Type of Review: Regular.

Affected Public: All ASC grantees.

Estimated Number of Respondents: 55.

Estimated burden per Response: 1 hour.

Frequency of Response: Twice per year (semi-annual and annual report).

Estimated Total Annual Burden: 110 hours.

By the Appraisal Subcommittee.

James R. Park,

Executive Director.

[FR Doc. 2021–03126 Filed 2–16–21; 8:45 am]

BILLING CODE 6700–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Recordkeeping Requirements Associated with Changes in Foreign Investments (Made Pursuant to Regulation K) (FR 2064; OMB No. 7100–0109).

DATES: Comments must be submitted on or before April 19, 2021.

ADDRESSES: You may submit comments, identified by FR 2064, by any of the following methods:

- *Agency website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security

screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be available at *https://www.reginfo.gov/public/do/PRAMain,* if approved. These documents will also be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Report title: Recordkeeping Requirements Associated with Changes in Foreign Investments (Made Pursuant to Regulation K).

Agency form number: FR 2064.

OMB control number: 7100–0109.

Frequency: On occasion.

Respondents: Internationally active U.S. banking organizations (member banks, Edge Act and agreement corporations, and bank holding companies).

Estimated number of respondents: 20.

Estimated average hours per response: 2.

Estimated annual burden hours: 160.

General description of report: This collection concerns internal records that internationally active U.S. banking organizations (such as internationally active member banks, Edge Act and agreement corporations, and bank holding companies) should maintain to demonstrate compliance with the investment provisions contained in Subpart A of Regulation K—International Banking Operations.

Legal authorization and confidentiality: The FR 2064 is authorized pursuant to section 5(c) of the Bank Holding Company Act; [1] and sections 25(7) and 25A(17) of the Federal Reserve Act.[2] The institutions' obligation to retain the records is mandatory.

The records related to the FR 2064 are retained at banking organizations. However, in the event the records are obtained by the Board as part of an examination or supervision of a financial institution, this information may be considered confidential pursuant to exemption 8 of the Freedom of Information Act (FOIA), which protects information contained in ''examination, operating, or condition reports'' obtained in the bank supervisory process.[3] Additionally, to the extent that such information obtained by the Board constitutes nonpublic commercial or financial information, which is both customarily and actually treated as private by the financial institution, the financial institution may request confidential treatment pursuant to exemption 4 of FOIA.[4]

Board of Governors of the Federal Reserve System, February 10, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–03092 Filed 2–16–21; 8:45 am]

BILLING CODE 6210–01–P

[1] 12 U.S.C. 1844(c).

[2] 12 U.S.C. 602 and 625.

[3] 5 U.S.C. 552(b)(8).

[4] 5 U.S.C. 552(b)(4).

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Recordkeeping, Disclosure, and Reporting Requirements Associated with Securities Transactions Pursuant to Sections 208.34(c), (d), and (g) of Regulation H (FR H–3; OMB No. 7100–0196).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on

the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection:

Report title: Recordkeeping, Disclosure, and Reporting Requirements Associated with Securities Transactions Pursuant to Sections 208.34(c), (d), and (g) of Regulation H.

Agency form number: FR H–3.

OMB control number: 7100–0196.

Frequency: Event-generated, quarterly.

Respondents: State member banks (SMBs), SMB officers/employees.

Estimated number of respondents: SMBs (de novo): 1; SMBs with trust departments: 209; SMBs without trust departments: 545; SMB officers/employees: 2,389.

Estimated average hours per response: SMBs (de novo): recordkeeping, 40 hours. SMBs with trust departments: recordkeeping, 2 hours; disclosure, 16 hours. SMBs without trust departments: recordkeeping, 15 minutes; disclosure, 5 hours. SMB officers/employees: reporting, 2 hours.

Estimated annual burden hours: SMBs (de novo): recordkeeping, 40 hours. SMBs with trust departments: recordkeeping, 10,032 hours; disclosure, 40,128 hours. SMBs without trust departments: recordkeeping, 3,815 hours; disclosure, 32,700 hours. SMB officers/employees: reporting, 19,112 hours.

General description of report: Section 15C of the Securities Exchange Act of 1934 (the Act), establishes federal regulation of brokers and dealers of government securities, including banks and other financial institutions, and directs those brokers and dealers to keep certain records.[1] These requirements are implemented for SMBs by sections 208.34(c), (d), and (g) of the Board's Regulation H, which require that non-exempt state member banks [2] effecting securities transactions for customers establish and maintain a system of records of these transactions, furnish confirmations of transactions to customers that disclose certain information, and establish written policies and procedures relating to securities trading.

Legal authorization and confidentiality: FR H–3 is authorized pursuant to Section 23 of the Act,[3] which empowers the Board to make rules and regulations implementing those portions of the Act for which it is responsible. Because these records and disclosures would be maintained at each banking organization, the Freedom of Information Act (FOIA) would only be implicated if the Board obtained such records as part of the examination or supervision of a banking organization. In the event the records are obtained by the Board as part of an examination or supervision of a financial institution, this information may be considered confidential pursuant to exemption 8 of the FOIA, which protects information contained in ''examination, operating, or condition reports'' obtained in the bank supervisory process.[4] In addition, the information may also be kept confidential under exemption 4 for the FOIA, which protects commercial or financial information obtained from a person that is privileged or confidential.[5]

Current actions: On October 14, 2020, the Board published a notice in the **Federal Register** (85 FR 65047) requesting public comment for 60 days on the extension, without revision, of FR H–3. The comment period for this notice expired on December 14, 2020. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, February 10, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–03093 Filed 2–16–21; 8:45 am]

BILLING CODE 6210–01–P

[1] 12 U.S.C. 78*o*–5(a), (d).

[2] The requirements of section 208.34 of Regulation H apply to all SMBs that effect more than 500 government securities brokerage transactions per year, unless the institution has filed a written notice, or is required to file notice, with the Board that it acts as a government securities broker or a government securities dealer. These requirements also do not apply to activities of foreign branches of SMBs; activities of nonmember, non-insured trust company subsidiaries of bank holding companies; or activities that are subject to regulations promulgated by the Municipal Securities Rulemaking Board. In addition, SMBs with an annual average of less than 200 securities transactions for customers over the prior three calendar years (exclusive of transactions in U.S. government and agency obligations) are exempt from these Regulation H recordkeeping, disclosure, and reporting requirements. *See* 12 CFR 208.34(a)(1)(i)–(iv).

[3] 15 U.S.C. 78w. The Board also has the authority to require reports from SMBs (12 U.S.C. 248(a) and 324).

[4] 5 U.S.C. 552(b)(8).

[5] 5 U.S.C. 552(b)(4).

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Interagency Guidance on Managing Compliance and Reputation Risks for Reverse Mortgage Products (FR 4029; OMB No. 7100–0330).

DATES: Comments must be submitted on or before April 19, 2021.

ADDRESSES: You may submit comments, identified by FR 4029, by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235,

725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be available at *https://www.reginfo.gov/public/do/PRAMain,* if approved. These documents will also be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Report title: Interagency Guidance on Managing Compliance and Reputation Risks for Reverse Mortgage Products.

Agency form number: FR 4029.

OMB control number: 7100–0330.

Frequency: Annually.

Respondents: State member banks that originate proprietary reverse mortgages.

Estimated number of respondents: Implementation of policies and procedures, 1 and Review and maintenance of policies and procedures, 7.

Estimated average hours per response: Implementation of policies and procedures, 40 and Review and maintenance of policies and procedures, 8.

Estimated annual burden hours: Implementation of policies and procedures, 40 and Review and maintenance of policies and procedures, 56.

General description of report: The reverse mortgage guidance discusses the reporting, recordkeeping, and disclosures required by federal laws and regulations and also discusses consumer disclosures that financial institutions typically provide as a standard business practice.

Legal authorization and confidentiality: The information collection is authorized pursuant to the Board's examination authority, which is located in section 11 of the Federal Reserve Act for state member banks.[1] The guidance is voluntary. Because the documentation encouraged by the guidance is maintained by each institution, the Freedom of Information Act (FOIA) would only be implicated if the Board obtained such records as part of the examination or supervision of a banking organization. In the event the records are obtained by the Board as part of the examination or supervision of a financial institution, this information may be considered confidential pursuant to exemption 8 of the FOIA, which protects information contained in ''examination, operating, or condition reports'' obtained in the bank supervisory process.[2] In addition, the information may also be kept confidential under exemption 4 of the FOIA, which protects trade secrets and commercial or financial information obtained from a person that is both customarily and actually treated as private by the respondent.[3]

Board of Governors of the Federal Reserve System, February 10, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–03091 Filed 2–16–21; 8:45 am]

BILLING CODE 6210–01–P

[1] 12 U.S.C. 248. Although there is no information indicating that Federal Reserve-supervised financial institutions other than state member banks originate reverse mortgage loans, this collection would be authorized by sections 25 and 25A of the Federal Reserve Act (12 U.S.C. 602, 625) for Edge and Agreement corporations, section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) for bank holding companies and, in conjunction with section 8 of the International Banking Act (12 U.S.C. 3106), for foreign banking organizations. The information collection would be authorized by the examination authority in section 7(c) of the International Banking Act of 1978 (12 U.S.C. 3105(c)) for branches and agencies of foreign banks, and by section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a) for savings and loan holding companies.

[2] 5 U.S.C. 552(b)(8).

[3] 5 U.S.C. 552(b)(4).

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

DATES: February 23, 2021 at 10 a.m.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1–415–527–5035, Code: 199 823 1558; or via web: *https://tspmeet.webex.com/tspmeet/onstage/g.php?MTID=e2efffcede5c039e6f0391d2594443262.*

FOR FURTHER INFORMATION CONTACT: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

SUPPLEMENTARY INFORMATION:

Board Meeting Agenda

Open Session

1. Approval of the January 26, 2021 Board Meeting Minutes
2. Monthly Reports
   (a) Participant Activity Report
   (b) Investment Performance
   (c) Legislative Report
3. Quarterly Reports
   (d) Metrics
4. Multi-asset Manager Update
5. Federal Information Security Modernization Act (FISMA) Report

Closed Session

6. Information covered under 5 U.S.C. 552b (c)(9)(B) and (c)(10).

Informational Session

7. Records Management Training

Authority: 5 U.S.C. 552b(e)(1).

Dated: February 10, 2021.

Dharmesh Vashee,

Acting General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2021–03102 Filed 2–16–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Temporary Exception From Expulsion of Unaccompanied Noncitizen Children Pending Forthcoming Public Health Determination

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: General Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS) announces a temporary exception from expulsion for unaccompanied noncitizen children to its Order issued October 13, 2020 suspending the right to introduce certain persons from countries where a quarantinable communicable disease exists.

DATES: The temporary exception went into effect on or about January 30, 2021.

FOR FURTHER INFORMATION CONTACT: Jennifer Buigut, Division of Global Migration and Quarantine, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H16–4, Atlanta, Georgia 30329. Telephone: 404–498–1600. Email: *dgmqpolicyoffice@cdc.gov*.

SUPPLEMENTARY INFORMATION: On October 13, 2020, the CDC Director issued an Agency Order titled 'Order Suspending the Right to Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists' (85 FR 65806; pub. Oct. 16, 2020). The CDC Order was based on the most current information at that time regarding the COVID–19 pandemic and the situation at the Nation's borders. The Order implemented a final rule published September 11, 2020 entitled ''Control of Communicable Diseases; Foreign Quarantine: Suspension of the Right to Introduce and Prohibition of Introduction of Persons From Designated Countries or Places for Public Health Purposes'' (85 FR 56424). The final rule was effective October 13, 2020.

CDC has decided to exercise its discretion to temporarily except from expulsion unaccompanied noncitizen children encountered in the United States pending the outcome of its forthcoming public health reassessment of the Order. This temporary exception from expulsion went into effect on or about Saturday, January 30, 2021, and will remain in effect until CDC has completed its public health assessment and published any notice or modified Order. All other terms of the Order, including its application to adults, remain in place until such time as any modified Order is issued.

Separately, on February 2, 2021 the President signed Executive Order 14010, 'Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Through Norther and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border' (86 FR 8267). This Executive Order requires a review of the CDC Order to determine whether the CDC Order should be terminated, rescinded, or modified.

A copy of the Notice can be found at *https://www.cdc.gov/coronavirus/2019-ncov/more/pdf/CDCPauseNotice-ExceptfromExpulsion.pdf*

U.S. Department of Health and Human Services

Centers for Disease Control and Prevention (CDC)

Order Under Sections 362 & 365 of the Public Health Service Act (42 U.S.C. 265, 268):

Notice of Temporary Exception From Expulsion of Unaccompanied Noncitizen Children Encountered in the United States Pending Forthcoming Public Health Determination

* * *

Pursuant to its authority under 42 U.S.C. 265, 268, and implementing regulations, and due to the COVID–19 pandemic, CDC issued an Order suspending the right to introduce and prohibiting the introduction of covered aliens travelling into the United States from Mexico and Canada.[1] On November 18, 2020, the United States District Court for the District of Columbia entered a preliminary injunction in *PJES* v. *Mayorkas* (''*PJES* injunction''),[2] enjoining the expulsion of unaccompanied noncitizen children pursuant to the Order. On Friday, January 29, 2021, the United States Court of Appeals for the District of Columbia Circuit granted a stay pending appeal of the District Court's *PJES* preliminary injunction.[3]

The current COVID–19 pandemic continues to be a highly dynamic public health emergency. CDC is in the process of reassessing the overall public health risk at the United States' borders and its ''Order Suspending the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists'' based on the most current information regarding the COVID–19 pandemic as well as the situation at the Nation's borders.[4] Although the D.C. Circuit's stay pending appeal permits the CDC to enforce its order and immediately expel unaccompanied noncitizen children, CDC has exercised its discretion to temporarily except from expulsion unaccompanied noncitizen children[5] encountered in the United States pending the outcome of its forthcoming public health reassessment of the Order. This temporary exception went into effect on or about Saturday, January 30, 2021, and will remain in effect until CDC has completed its public health assessment and published any notice or modified Order. All other terms of the Order, including its application to adults, remain in place until such time as any modified Order is issued.[6]

In testimony whereof, the Director, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, has hereunto set her hand at Atlanta, Georgia, this 11th day of February, 2021.

Sherri Berger,

Acting Chief of Staff, Centers for Disease Control and Prevention.

[FR Doc. 2021–03227 Filed 2–12–21; 11:15 am]

BILLING CODE 4163–18–P

[1] *See* Notice of Order Suspending the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists, 85 FR 65,806, 65,812 (Oct. 16, 2020; eff. Oct. 13, 2020), replacing the Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, 85 FR 17,060 (Mar. 26, 2020; eff. Mar. 20, 2020), as extended, 85 FR 22,424 (Apr. 22, 2020; eff. Apr. 20, 2020), and as amended and extended, 85 FR 31,503 (May 26, 2020; eff. May 21, 2020).

[2] No. 1:20–cv–02245 (D.D.C.), Dkt. Nos. 79–80.

[3] No. 20–5357, Doc. No. 1882899.

[4] Review of CDC's 265 Order is also directed by Executive Order 14010, Sec. 4(a)(ii)(A), ''Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border,'' Feb, 2, 2021, 86 FR 8267 (Feb. 5, 2021).

[5] Unaccompanied noncitizen children are unaccompanied children who do not hold valid travel documents and who are encountered by the U.S. Department of Homeland Security (DHS) in the United States or otherwise upon introduction into the United States. CDC understands ''unaccompanied noncitizen children'' as the class of individuals subject to the *PJES* litigation (''all unaccompanied noncitizen children who (1) are or will be detained in U.S. government custody in the United States, and (2) are or will be subjected to expulsion from the United States under the CDC Order Process''). It is also CDC's understanding that this class of individuals is similar to or the same as those individuals who would be considered ''unaccompanied alien children'' for purposes of HHS Office of Refugee Resettlement custody, were DHS to make the necessary immigration determinations under Title 8 of the United States Code.

[6] *See* 85 FR 65,806.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Docket No. FDA–2021–N–0088]

Cellular, Tissue and Gene Therapies Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Cellular, Tissue and Gene Therapies Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on scientific issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on April 15, 2021, from 10 a.m. to 6 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of the COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/advisory-committees/about-advisory-committees/common-questions-and-answers-about-fda-advisory-committee-meetings.* The online web conference meeting will be available at the following link on the day of the meeting: *https://youtu.be/qufQ5NO2aYE.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2021–N–0088. The docket will close on April 14, 2021. Submit either electronic or written comments on this public meeting on or before April 14, 2021. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of April 14, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before April 8, 2021, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–N–0088 for ''Cellular, Tissue and Gene Therapies Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Jarrod Collier or Joanne Lipkind, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6268, Silver Spring, MD 20993–0002, *ctgtac@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to

learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. On April 15, 2021, the committee will discuss biologics license application (BLA) 125734 for donislecel (purified allogeneic deceased donor pancreas derived islets of Langerhans). The applicant, CellTrans, Inc., has requested an indication for the ''treatment of brittle Type 1 diabetes mellitus (T1D).'' The morning session will discuss issues related to the characterization and critical quality attributes of donislecel as they relate to product comparability in the context of consistent product quality and clinical effectiveness. The afternoon session will discuss results from the clinical trials included in BLA 125734.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference meeting room will be available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm*. Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before April 8, 2021, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1:45 p.m. and 2:45 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before March 31, 2021. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by April 1, 2021.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Jarrod Collier at *ctgtac@fda.hhs.gov* (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/advisory-committees/about-advisory-committees/public-conduct-during-fda-advisory-committee-meetings* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 10, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–03173 Filed 2–16–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2020–P–1511 and FDA–2020–P–1549]

Determination That NYMALIZE (nimodipine), Oral Solution, 3 Milligrams/Milliliter, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) has determined that NYMALIZE (nimodipine), oral solution, 3 milligrams (mg)/milliliter (mL), was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for nimodipine, oral solution, 3 mg/mL, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Ayako Sato, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6206, Silver Spring, MD 20993–0002, 240–402–4191, *Ayako.sato@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162; section 505(j)(7) of the FD&C Act).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness (§ 314.161 (21 CFR 314.161)). This determination may be made at any time after the drug has been withdrawn from sale but must be made prior to approving an ANDA that refers to the listed drug. FDA may not approve an ANDA that does not refer to a listed drug (see section 505(j)(4) of the FD&C Act).

NYMALIZE (nimodipine), oral solution, 3 mg/mL, is the subject of NDA 203340, held by Arbor Pharmaceuticals, LLC (Arbor), and initially approved on May 10, 2013. NYMALIZE is indicated for the improvement of neurological outcome by reducing the incidence and severity of ischemic deficits in adult patients with subarachnoid hemorrhage from ruptured intracranial berry aneurysms regardless of their post-ictus

neurological condition (*i.e.,* Hunt and Hess Grades I through V).

In a letter dated May 4, 2020, Arbor notified FDA that NYMALIZE (nimodipine), oral solution, 3 mg/mL was being discontinued, and FDA moved the drug product to the ''Discontinued Drug Product List'' section of the Orange Book. As indicated in the Orange Book, Arbor markets a 6 mg/mL strength of NYMALIZE (nimodipine) oral solution, which was approved through NDA 203340/S–011 on April 8, 2020.

Annora Pharma Private Limited submitted a citizen petition dated June 6, 2020 (Docket No. FDA–2020–P–1511) and Windels Marx Lane & Mittendorf, LLC submitted a citizen petition dated June 10, 2020 (Docket No. FDA–2020–P–1549), both under 21 CFR 10.30, requesting that the Agency determine whether NYMALIZE (nimodipine), oral solution, 3 mg/mL was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petitions and comments submitted to the dockets and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that NYMALIZE (nimodipine), oral solution, 3 mg/mL, was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that NYMALIZE (nimodipine), oral solution, 3 mg/mL, was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of NYMALIZE (nimodipine), oral solution, 3 mg/mL, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events.

A comment submitted by Arbor suggests that it was necessary to discontinue marketing the 3 mg/mL strength to mitigate potential confusion between the 3 mg/mL and 6 mg/mL strengths of NYMALIZE (nimodipine), oral solution. FDA disagrees. While discontinuation of the 3 mg/mL strength is one way to reduce the risk of confusion between the two strengths, there are other (often-used) mitigation strategies that may be employed to reduce the risk of confusion among multiple marketed strengths of a drug that could have been used by Arbor. Arbor's comment also states that FDA should find that the 3 mg/mL strength was discontinued for safety reasons because the Agency made similar determinations for BREVIBLOC (esmolol hydrochloride) injection, 250 mg/mL, 10-mL ampule, and the original formulation of PROTONIX I.V. (pantoprazole sodium) for injection. Our finding that the 3 mg/mL strength for NYMALIZE was not withdrawn from sale for reasons of safety is factually distinguishable from BREVIBLOC and PROTONIX I.V.

Based on a thorough evaluation of the information we have available to us and the latest version of the approved labeling for NYMALIZE (nimodipine), oral solution, 3 mg/mL, we have determined that this drug product would be considered safe and effective if it were reintroduced to the market today. Certain labeling changes should be considered to prevent future medication errors due to the presence of two different strengths of NYMALIZE (nimodipine), oral solution, on the market (*i.e.,* NYMALIZE (nimodipine), oral solution, 3 mg/mL and NYMALIZE (nimodipine), oral solution, 6 mg/mL), but no existing safety signals or efficacy concerns make labeling changes necessary.

Accordingly, the Agency will continue to list NYMALIZE (nimodipine), oral solution, 3 mg/mL, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to NYMALIZE (nimodipine), oral solution, 3 mg/mL, may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: February 10, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–03083 Filed 2–16–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Surgical Sciences, Biomedical Imaging and Bioengineering.

Date: March 16, 2021.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yuanna Cheng, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7814, Bethesda, MD 20892, (301) 435–1195, *Chengy5@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR20–117: Maximizing Investigators' Research Award (MIRA) for Early Stage Investigators (R35—Clinical Trial Optional).

Date: March 17–18, 2021.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Guoqin Yu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–1276, *guoqin.yu@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Immune Responses and Vaccines to Microbial Infections.

Date: March 17–18, 2021.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Barna Dey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796, *bdey@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Healthcare Delivery and Methodologies.

Date: March 17, 2021.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Karen Nieves Lugo, MPH, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, Bethesda, MD 20892, 301–594–9088, *karen.nieveslugo@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–20–131: Mammalian Models for Translational Research.

Date: March 17, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, 301–806–2515, *chatterm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biomedical Data Repositories and Knowledgebases.

Date: March 17–18, 2021.

Time: 10:00 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Joseph Thomas Peterson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9694, *petersonjt@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Digestive system inflammatory disease.

Date: March 17, 2021.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ganesan Ramesh, Ph.D., Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 827–5467, *ganesan.ramesh@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Prevention.

Date: March 17, 2021.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mehrdad Mohseni, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7854, Bethesda, MD 20892, 301–435–0484, *mohsenim@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 20–153: NIH Science Education Partnership Award (SEPA) (R25—Clinical Trial Not Allowed).

Date: March 17, 2021.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jonathan Arias, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7840, Bethesda, MD 20892, 301–435–2406, *ariasj@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 10, 2021.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–03098 Filed 2–16–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; NIMH Pilot Effectiveness Trials for Treatment, Preventive, and Services Interventions (R34).

Date: March 10, 2021.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Serena Chu, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6000, MSC 9606, Bethesda, MD 20852, 301–500–5829, *serena.chu@nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Computational Psychiatry Review Meeting (R01, R21).

Date: March 11, 2021.

Time: 11:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Rebecca Steiner Garcia, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9608, Bethesda, MD 20892–9608, 301–443–4525, *steinerr@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Pharmacologic or Device-based Interventions for the Treatment of Mental Disorders.

Date: March 12, 2021.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Serena Chu, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6000, MSC 9606, Bethesda, MD 20852, 301–500–5829, *serena.chu@nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: February 10, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–03113 Filed 2–16–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; RFA–AA–20–009 Alcohol-HIV/AIDS Program Project Comorbidities, Coinfections, and Complications Research: Intervention and Cross-Cutting Foundational Research (P01 Clinical Trial Optional).

Date: April 15–16, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Alcohol Abuse and Alcoholism, 6700 B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ranga Srinivas, Ph.D., Chief Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 6700 B Rockledge Drive, Room 2114, Bethesda, MD 20892, (301) 451–2067, *srinivar@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: February 10, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–03114 Filed 2–16–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Draft NTP Technical Reports on Sodium Tungstate Dihydrate, Di-n-butyl phthalate, and Di(2-ethylhexyl) Phthalate; Availability of Documents; Request for Comments; Notice of Peer-Review Meeting

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Toxicology Program (NTP) announces the availability of the Draft NTP Technical Reports on sodium tungstate dihydrate, di-n-butyl phthalate, and di(2-ethylhexyl) phthalate scheduled for peer review. The peer-review meeting will be held remotely and will be available to the public for veiwing. Oral and written comments will be accepted; registration is required to access the virtual event and to present oral comments. Information about the meeting and registration is available at *https://ntp.niehs.nih.gov/go/36051.*

DATES: *Meeting:* April 2, 2021, 10 a.m. Eastern Standard Time (EST) to adjournment. The meeting may end earlier or later than 5:00 p.m. EST.

Document Availability: The three draft NTP reports will be available by February 11, 2021 at *https://ntp.niehs.nih.gov/go/36051.*

Written Public Comment Submissions: Deadline is March 19, 2021.

Registration for Oral Comments: Deadline is March 26, 2021.

Registration to View the Virtual Meeting: Deadline is April 2, 2021.

ADDRESSES:

Meeting webpage: The draft reports, preliminary agenda, registration, and other meeting materials will be available at *https://ntp.niehs.nih.gov/go/36051.*

Virtual Meeting: The URL for viewing the peer-review meeting will be provided to registrants.

FOR FURTHER INFORMATION CONTACT: Email *NTP-Meetings@icf.com.* Dr. Sheena Scruggs, NIEHS/DNTP, is the Designated Federal Official. Phone: (984) 287–3355. Email: *sheena.scruggs@nih.gov.*

SUPPLEMENTARY INFORMATION:

Meeting Attendance Registration: The meeting is available for viewing by the public with time set aside for oral public comment. Registration to view the virtual meeting is by April 2, 2021, at *https://ntp.niehs.nih.gov/go/36051. The URL for the virtual meeting will be provided in the email confirming registration.* Individuals with disabilities who need accommodation to view the virtual meeting should contact Megan Rooney by phone: (571) 459–4185 or email: *NTP-Meetings@icf.com.* TTY users should contact the Federal TTY Relay Service at (800) 877–8339. Requests should be made at least five business days in advance of the event.

Request for Comments: NTP invites written and oral public comments on the draft reports that address scientific or technical issues. Guidelines for public comments are available at *https://ntp.niehs.nih.gov/ntp/about_ntp/guidelines_public_comments_508.pdf.*

The deadline for submission of written comments is March 19, 2021, to enable review by the peer-review panel and NTP staff prior to the meeting. Written public comments should be submitted through the meeting website at *https://ntp.niehs.nih.gov/go/36051.* Persons submitting written comments should include name, affiliation, mailing address, phone, email, and sponsoring organization (if any). Written comments received in response to this notice will be posted on the NTP website and the submitter will be identified by name, affiliation, and sponsoring organization (if any). Comments that address scientific/technical issues will be forwarded to the peer-review panel and NTP staff prior to the meeting.

Oral public comment at this meeting is welcome, with time set aside for the presentation of oral comments on the draft reports. The agenda will allow for three oral public comment periods—one comment period per report (up to 6 commenters, up to 5 minutes per speaker). Persons wishing to make an oral comment are required to register online at *https://ntp.niehs.nih.gov/go/36051* by March 26, 2021. Registration is on a first-come, first served basis. Each organization is allowed one time slot per report. The access number for the teleconference line will be provided to registrants by email prior to the meeting. Commenters will be notified approximately one week before the peer-review meeting about the actual time allotted per speaker.

If possible, oral public commenters should send a copy of their slides and/or statement or talking points to Megan Rooney by email: *NTP-Meetings@icf.com* by March 26, 2021. Written statements can supplement and may expand the oral presentation.

Meeting Materials: The draft NTP reports and preliminary agenda will be available on the NTP website at *https://ntp.niehs.nih.gov/go/36051 prior to the meeting.* NTP expects that the draft reports should be available on the website by February 11, 2021. Additional information will be posted when available or may be requested in hardcopy from Megan Rooney by phone: (571) 459–4185 or email: *NTP-Meetings@icf.com.* Individuals are encouraged to access the meeting web page to stay abreast of the most current information regarding the meeting.

Following the meeting, a report of the peer review will be prepared and made available on the NTP website.

Background Information on NTP Peer-Review Panels: NTP panels are technical, scientific advisory bodies established on an ''as needed'' basis to provide independent scientific peer review and advise NTP on agents of public health concern, new/revised toxicological test methods, or other issues. These panels help ensure transparent, unbiased, and scientifically rigorous input to the program for its use in making credible decisions about human hazard, setting research and testing priorities, and providing information to regulatory agencies about

alternative methods for toxicity screening. NTP welcomes nominations of scientific experts for upcoming panels. Scientists interested in serving on an NTP panel should provide their name and best form of contact to Megan Rooney by email: *NTP-Meetings@icf.com.*

The authority for NTP panels is provided by 42 U.S.C. 217a; section 222 of the Public Health Service Act, as amended. The panel is governed by the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

This peer review is being conducted by a panel via a virtual meeting. Peer-review of future draft reports will be conducted in accordance with Department of Health and Human Services peer-review policies (*https://aspe.hhs.gov/hhs-information-quality-peer-review*) and Office of Management and Budget's Final Information Quality Bulletin for Peer Review (70 FR 2664, January 4, 2005).

Brian R. Berridge,

Associate Director, National Toxicology Program.

[FR Doc. 2021–03096 Filed 2–16–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2020–0005]

60-Day Notice and Request for Comments; New Information Collection Request, 1670–NEW: SAFECOM Nationwide Surveys Generic Clearance

AGENCY: Emergency Communications Division (ECD), Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: Information collection, request for comments.

SUMMARY: DHS CISA ECD will submit the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are due by April 19, 2021.

ADDRESSES: You may submit comments, identified by docket number CISA–2020–0005, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Please follow the instructions for submitting comments.
- *Email: necp@cisa.dhs.gov.* Please include docket number CISA–2020–0005 in the subject line of the message.
- *Mail:* Written comments and questions about this Information Collection Request should be forwarded to DHS/CISA/ECD, ATTN: Eric Runnels 1670–NEW, 245 Murray Lane SW, Mail Stop 0613, Washington, DC 20598–0609.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket and comments received, please go to *www.regulations.gov* and enter docket number CISA–2020–0005.

Comments submitted in response to this notice may be made available to the public through relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Eric Runnels, 703–705–6279, *necp@cisa.dhs.gov.*

SUPPLEMENTARY INFORMATION: In 2006, Congress passed Public Law 109–295, which included SEC. 671. EMERGENCY COMMUNICATIONS also known as the ''21st Century Emergency Communications Act of 2006''. The legislation established the Department of Homeland Security (DHS) Office of Emergency Communications, which was re-designated in 2018 as the Emergency Communications Division (ECD) within the Cybersecurity and Infrastructure Security Agency (CISA), to lead the development and implementation of a comprehensive approach to advancing national interoperable communications capabilities.

The following responsibilities were established:

6 U.S.C. 571(c) requires the DHS Secretary through the ECD Assistant Director to:

(4) Conduct extensive, nationwide outreach to support and promote the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters;

(13) develop and update periodically, as appropriate, a National Emergency Communications Plan under section 572 of this title;

(14) perform such other duties of the Department necessary to support and promote the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and

(15) perform other duties of the Department necessary to achieve the goal of and maintain and enhance interoperable emergency communications capabilities.

6 U.S.C. 572(a) requires the Secretary in cooperation with State, local, and tribal governments, Federal departments and agencies, emergency response providers, and the private sector, develop not later than 180 days after the completion of the baseline assessment under section 573 of this title, and periodically update, a National Emergency Communications Plan.

Lastly, 6 U.S.C. 573 requires the DHS Secretary to conduct an assessment of Federal, State, local, and tribal governments that defines the range of capabilities needed by emergency response providers and relevant government officials, assesses the current available capabilities to meet such communications needs; identify the gaps between such current capabilities and defined requirements; at least every five years.

These authorities in addition to DHS responsibilities through Executive Order 13618 in the area of national security/emergency providers' communications require a continuous examination of nationwide emergency communications capabilities.

The frequency and complexity of emergencies are on the rise during a time when technology is advancing at a faster pace than any other time in history. In order to perform these statutory regulations, it is important to understand the continuously changing requirements of emergency response providers and government officials at all levels of government, evolving risks, and the public safety community's ability to integrate new technologies while also preparing for emergent technologies. As a result, CISA is seeking a PRA Generic Clearance to allow for flexibility in implementing

surveys that are relevant to the current security environment.

To meet the statutory requirements of 6 U.S.C. 573, ECD conducts the SAFECOM Nationwide Survey every 5 years to assess evolving capability needs and gaps and track progress against policy initiatives; status of strategic plans; and major industry or market shifts affecting the emergency communications capability.

CISA ECD conducts a web-based survey entitled the SAFECOM Nationwide Survey, hereinafter referred to as the SNS. The purpose of the survey is to gather information to assess available emergency communications capabilities and identify gaps and needs for emergency response providers to effectively communicate during all types of natural or man-made hazards. CISA ECD uses the information collected to complete a statutorily mandated assessment and shares the data with all stakeholders that have a role in emergency communications. In order to ascertain this information, the SNS deploys four similar surveys across the nation to various emergency response disciplines at each level of government—federal, state, territorial, tribal, and local. The survey solicits responses regarding issues affecting the public safety community to determine a jurisdiction's level of operability, interoperability and continuity and thus their overall emergency communications capability level. CISA ECD analyzes the data collected from this general survey to identify major gaps and themes affecting emergency communications across levels of government. Additionally, this analysis informs the development of supplemental surveys tailored to specific needs across the public safety community, as well as future iterations of the Nationwide Baseline Communications Assessment (NCBA) and National Emergency Communications Plan (NECP).

The results from the most recent surveys led to major updates to the update of the NECP released in September 2019. The NECP sets strategic priorities for the entire Nation. Additionally, the current collection allowed CISA ECD to share reliable data with emergency communications partners at all levels of government which assists them with: (1) Statewide Communications Interoperability Plan (SCIP) development, (2) Threat and Hazard Identification Risk Analysis (THIRA) development, (3) state-level grant programs and guidance, (4) federal grant applications assistance, and (5) funding and resource sharing strategy development.

CISA ECD conducts SAFECOM supplemental surveys. The surveys can be conducted as focus groups, in-person interviews, web- and paper-based. CISA ECD uses the information collected to complete statutorily mandated requirements (6 U.S.C. 571(c), 572(a), and 573) and shares the data with all stakeholders with a role in emergency communications. In order to ascertain this information, the SAFECOM supplemental surveys deploy topic-specific or targeted surveys across the nation to various emergency response disciplines at each level of government: Federal, state, territorial, tribal, and local. The surveys solicit responses regarding targeted issues affecting all public safety, emergency response communities and/or specific subsets of the SNS population. CISA ECD analyzes the data collected from these supplemental surveys to identify changing requirements, mitigate risks, and inform the data collected from the 5-year Nationwide Survey.

ECD uses electronic submission to reduce the burden on respondents including web-based surveys and assessment tools, such as Survey Monkey. Its target audience—mainly first responders—is frequently interrupted, have variable schedules, and frequently work long hours. Electronic submission provides a more user-friendly interface, provides anonymity to the users, ensures the maximum response rate, eliminates paper, printing, and postage costs along with the need for data entry.

We will also utilize alternative submission methods for both the SNS and the supplemental surveys. An Adobe PDF-fillable form which can be returned via email to *sns@cisa.dhs.gov,* direct emails with questionnaires attached, an in-person surveys, focus-groups, and a paper copy that will be mailed directly to the respondent(s) requesting a hard copy. The paper copy can be returned either via a prepaid envelope, scanned and emailed to *sns@cisa.dhs.gov,* and/or faxed to CISA ECD. We anticipate that .5% of respondents will utilize these alternative submission methods.

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Title of Collection: SAFECOM Nationwide Surveys Generic Clearance.

OMB Control Number: 1670–NEW.

Frequency: Annually.

Affected Public: State, Local, Tribal, and Territorial Governments.

Number of Annualized Respondents: 8,398.

Estimated Time per Respondent: 0.5 hours.

Total Annualized Burden Hours: 4,199 hours.

Total Annualized Respondent Opportunity Cost: $168,298.74.

Total Annualized Respondent Out-of-Pocket Cost: $0.

Total Annualized Government Cost: $235,863.

Samuel Vazquez,

Acting Chief Information Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2021–03105 Filed 2–16–21; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2020–0018]

Agency Information Collection Activities: Proposed Collection; Comment Request; Cybersecurity and Infrastructure Security Agency (CISA) Visitor Request Form

AGENCY: Cybersecurity and Infrastructure Security Agency, DHS

ACTION: 60-Day notice and request for comments; extension of Information Collection Request: 1670–0036.

SUMMARY: The Department of Homeland Security (DHS), Cybersecurity and Infrastructure Security Agency (CISA), Office of Compliance and Security (OCS) will submit the following Information Collection Request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The submission proposes to renew the information collection for an additional three years and update the burden estimates.

DATES: Comments are encouraged and will be accepted until April 19, 2021.

ADDRESSES: You may send comments, identified by docket number CISA–2020–0018, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov* . Please follow the instructions for submitting comments.
- *Email: nppd-prac@hq.dhs.gov.* Please include docket number CISA–2020–0018 in the subject line of the message.
- *Mail:* Written comments and questions about this Information Collection Request should be forwarded to DHS/CISA/OCS, ATTN: 1670–0036, 245 Murray Lane SW, Mail Stop 0380, Washington, DC 20598.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Comments submitted in response to this notice may be made available to the public through relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

SUPPLEMENTARY INFORMATION: Public Law 107–296 The Homeland Security Act of 2002, Title II, recognizes the Department of Homeland Security role in integrate relevant critical infrastructure and cybersecurity information, analyses, and vulnerability assessments (whether such information, analyses, or assessments are provided or produced by the Department or others) in order to identify priorities for protective and support measures by the Department, other agencies of the Federal Government, State and local government agencies and authorities, the private sector, and other entities while maintaining positive control of sensitive information regarding the national infrastructure. In support of this mission CISA Office of Compliance and Security must maintain a robust visitor screening capability.

The CISA Office of Compliance and Security will collect, using an electronic form, information about each potential visitor to CISA facilities and the nature of each visit. The Office of Compliance and Security will use collected information to make a risk-based decision to allow visitor access to CISA facilities.

This is an extension of an existing information collection. The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

Title: Cybersecurity and Infrastructure Security Agency (CISA) Visitor Request Form.

OMB Control Number: 1670–0036.

Frequency: Annually.

Affected Public: Private and Public Sector.

Number of Respondents: 20,000.

Estimated Time per Respondent: 10 minutes.

Total Burden Hours: 3,333 hours.

Total Respondent Opportunity Cost: $125,144.

Total Respondent Out-of-Pocket Cost: $0.

Total Government Cost: $250,473.

Samuel Vazquez,

Acting Chief Information Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2021–03104 Filed 2–16–21; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–31483; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before February 6, 2021, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by March 4, 2021.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before February 6, 2021. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

CALIFORNIA

Los Angeles County

Hotel Mayfair, 1256 West 7th St., Los Angeles, SG100006295

Orange County

Griffith, Edward and America, House, 40 North La Senda Dr., Laguna Beach, SG100006296

COLORADO

Park County

Spring House-Moynahan House, 53 South Pine St., Alma, SG100006292

CONNECTICUT

New London County

Edward Bloom Silk Company Factory, 90 Garfield Ave., New London, SG100006266

KENTUCKY

Boyle County

Marshall-Wallace House, (Boyle MPS), 350 Harberson Ln., Danville, MP100006268

Rowan County

Downtown Morehead Historic District, Roughly bounded by South Hargis Ave., West 1st, East 1st, Bridge, East Main, and East 2nd Sts., North Wilson Ave., and West Main St., Morehead, SG100006264

OHIO

Cuyahoga County

Clifton Park South Historic District, Portions of Clifton, Forest, and Lake Rds., Captain's Cove and West Clifton Blvd., Lakewood, SG100006265

Summit County

Roach, Moses and Minerva, House,9044 Church St., Twinsburg, SG100006293

Vinton County

Moonville Tunnel, Hope-Moonville Rd., 2 mi. southwest of Lake Hope State Park, Zaleski vicinity, SG100006291

RHODE ISLAND

Providence County

Plymouth Congregational Church, 1014 Broad St., Providence, SG100006299

WISCONSIN

Brown County

Robinson Hill Historic District, South Jackson and South Van Buren Sts., generally bounded by Catherine St. and Allouiez Terr., Allouez, SG100006285

Dane County

Gray, Philip H. and Margaret, House, 6115 North Highlands Ave., Madison, SG100006286

La Crosse County

Holy Trinity School, 1417 13th St. South,La Crosse, SG100006283

Milwaukee County

Milwaukee Journal Complex, 333 West State St., 918 Vel R. Phillips Ave., Milwaukee, SG100006270

Trempealeau County

East Arcadia Roller Mill, W25818 Mill Rd., Arcadia, SG100006294

WYOMING

Platte County

Wheatland Downtown Historic District, 9th St. from Walnut to Water Sts., and Gilchrist St. from 8th to 9th Sts., Wheatland, SG100006269

An owner objection was received for the following resource:

CALIFORNIA

Orange County

Stuft Shirt, 2241 West Coast Hwy., Newport Beach, SG100006297

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nominations and responded to the Federal Preservation Officer within 45 days of receipt of the nominations and supports listing the properties in the National Register of Historic Places.

CALIFORNIA

Los Angeles County

Federal Building, 300 North Los Angeles St., Los Angeles, SG100006288

INDIANA

Marion County

Federal Building, 575 North Pennsylvania St., Indianapolis, SG100006289

NEBRASKA

Saunders County

Camp Ashland Memorial Hall, 220 Cty. Rd. A, Ashland, SG100006287

NEVADA

Washoe County

Federal Building and U.S. Courthouse, 300 Booth St., Reno, SG100006290

Authority: Section 60.13 of 36 CFR part 60.

Dated: February 9, 2021.

Sherry Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2021–03123 Filed 2–16–21; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–636 and 731–TA–1470 (Final)]

Wood Mouldings and Millwork Products From China; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of wood mouldings and millwork products from China, primarily provided for in subheadings 4409.10.40, 4409.10.45, 4409.10.50, 4409.22.40, 4409.22.50, 4409.29.41, and 4409.29.51 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV''), and to be subsidized by the government of China.[2]

Background

The Commission instituted these investigations effective January 8, 2020, following receipt of petitions filed with the Commission and Commerce by the Coalition of American Millwork Producers (Bright Wood Corporation, Madras, Oregon; Cascade Wood Products, Inc., White City, Oregon; Endura Products, Inc., Colfax, North Carolina; Sierra Pacific Industries, Red Bluff, California; Sunset Moulding, Live Oak, California; Woodgrain Millwork Inc., Fruitland, Idaho; and Yuba River Moulding, Yuba City, California).[3] The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of wood mouldings and millwork products from China were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on September 2, 2020 (85 FR 54593). In light of the restrictions on access to the Commission building due to the COVID–19 pandemic, the Commission conducted its hearing through written testimony and video conference on December 22, 2020. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on February 10, 2021. The views of the Commission are contained in USITC Publication 5157 (February 2021), entitled *Wood Mouldings and Millwork Products From China: Investigation Nos. 701–TA–636 and 731–TA–1470 (Final).*

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Vice Chair Randolph J. Stayin not participating.

[3] During the final phase of the investigations, Best Moulding Corporation, Albuquerque, New Mexico; Menzner Lumber and Supply Company, Marathon, Wisconsin; and Pacific Wood Laminates, Brookings, Oregon, joined the Coalition of American Millwork Producers.

By order of the Commission.

Issued: February 10, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–03100 Filed 2–16–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1159]

Certain Lithium Ion Batteries, Battery Cells, Battery Modules, Battery Packs, Components Thereof, and Processes Therefor; Commission Decision Finding a Violation of Section 337; Issuance of a Limited Exclusion Order and Cease and Desist Orders; Termination of the Investigation

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to affirm the presiding administrative law judge's (''ALJ's'') initial determination (''ID'') (Order No. 34) finding a violation of section 337 of the Tariff Act of 1930, as amended, in this investigation and has issued a limited exclusion order and cease and desist orders prohibiting importation of certain lithium ion batteries, battery cells, battery modules, battery packs, and components thereof. The investigation is hereby terminated.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2532. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 4, 2019, based on a complaint filed on behalf of LG Chem, Ltd. of Seoul, Republic of Korea and LG Chem Michigan, Inc. of Holland, Michigan. 84 FR 25858 (June 4, 2019). As discussed further below, the complainants, as of the date of this Notice, are LG Chem, Ltd. of Seoul, Republic of Korea, LG Energy Solution, Ltd. of Seoul, Republic of Korea, and LG Energy Solution Michigan, Inc. (collectively, ''complainants'' or ''LG''). The complaint, as supplemented, alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation and sale of certain lithium ion batteries, battery cells, battery modules, battery packs, components thereof, and processes therefor by reason of misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States, under subsection (a)(1)(A) of Section 337. The complaint, as supplemented, names SK Innovation Co., Ltd. of Seoul, Republic of Korea and SK Battery America, Inc. of Atlanta, Georgia as the respondents (collectively, ''respondents'' or ''SK''). The Office of Unfair Import Investigations (''OUII'') was also named as a party in this investigation.

On November 5, 2019, LG moved for an order entering default judgment against the respondents due to contempt of Order No. 13, which granted in part complainants' motion to compel forensic examination of respondents' computer system due to alleged spoliation of evidence. Respondents opposed the motion and OUII supported the motion.

On February 14, 2020, the ALJ issued the subject ID (Order No. 34) finding that the respondents spoliated evidence, and that the appropriate remedy is to find the respondents in default. The ID noted that complainants do not seek a general exclusion order, and therefore no issues remain to be litigated, and terminated the investigation. ID at 131.

On March 3, 2020, SK filed a petition for Commission review of the ID. On March 11, 2020, LG and OUII filed oppositions thereto.

On April 17, 2020, the Commission determined to review the ID in its entirety. 85 FR 22,753 (Apr. 23, 2020) (''Notice of Review''). The Notice of Review requested the parties to brief certain issues under review. The Notice of Review also sought briefing from the parties, interested government agencies, and any other interested parties on remedy, the public interest, and bonding.

On May 1, 2020, the parties filed their opening briefs on the issues under review, and on remedy, the public interest and bonding. SK also filed a short submission seeking a hearing before the Commission on remedy, the public interest, and bonding. *See* 19 CFR 210.50(a)(v). The Commission also received a number of comments from non-parties on remedy and the public interest. On May 12, 2020, the parties filed reply briefs on the issues under review, and on remedy, the public interest and bonding. Certain non-parties also submitted reply comments on remedy and the public interest.

On June 26, 2020, LG filed a motion for leave to file a supplemental submission on remedy, the public interest, and bonding. On July 8, 2020, SK opposed the motion. On July 13, 2020, SK filed a notice of new developments related to issues raised in the remedy, public interest, and bonding briefing. On July 28, 2020, SK moved for leave to file a reply in support of its notice. On September 1, 2020, LG filed a notice of supplemental facts. On November 25, 2020, SK filed a motion for leave to file a supplemental submission in connection with remedy and the public interest. The Commission has determined to grant the motions for leave and to make all of the foregoing submissions and responses thereto part of the administrative record. On December 1, 2020, Complainants filed a motion to amend the complaint and NOI to reflect a reorganization of LG Chem, Ltd. in which (i) certain business functions were transferred to a newly created subsidiary named LG Energy Solution, Ltd., and (ii) LG Chem Michigan, Inc. was renamed LG Energy Solution Michigan, Inc. (EDIS Doc. ID 726833). The Commission has determined to grant that motion, has added LG Energy Solution, Ltd. as a complainant, and has changed the name of LG Chem Michigan Inc. to LG Energy Solution Michigan, Inc.

The Commission has determined not to conduct a hearing pursuant to 19 CFR 210.50. The Commission finds that the parties and non-parties have failed to demonstrate why a hearing would be warranted. The Commission has been mindful of the public interest submissions in fashioning an appropriate remedy.

Having reviewed the record of the investigation, including the parties' submissions to the ALJ, Order No. 34, and the parties' and non-parties' submissions to the Commission, the Commission has determined to affirm the ID's finding of default, with modified reasoning clarifying the distinct bases for sanctions under (i) 19 U.S.C. 1337(h) and Commission Rule 210.33, 19 CFR 210.33 and (ii) inherent authority under *Micron Technology, Inc.* v. *Rambus Inc.,* 645 F.3d 1311 (Fed. Cir. 2011). The Commission finds that both bases apply here. The Commission thereby affirms the ID's finding of violation of section 337.

The Commission has further determined that the appropriate remedy is: (1) A limited exclusion order prohibiting the entry of certain lithium ion batteries, battery cells, battery

modules, battery packs, and components thereof; and (2) cease and desist orders directed to respondents. The remedial orders will expire ten years from their issuance, and cover the trade secrets that LG elected on January 22, 2020. The Commission has determined that, although the public interest factors enumerated in section 337(d) and (f), 19 U.S.C. 1337(d), (f), do not preclude the issuance of the limited exclusion order or the cease and desist orders, tailoring of its orders is appropriate in view of the public interest considerations discussed in the Commission's opinion. The orders permit SK to import components for domestic production of lithium ion batteries, battery cells, battery modules, and battery packs for Ford Motor Co.'s EV F–150 program for four years, and for Volkswagen of America, Inc.'s America's MEB line for the North America Region for two years to permit these third parties to transition to new domestic suppliers for these programs. The orders also permit SK to import articles for repair and replacement of EV batteries for Kia vehicles that had been sold to U.S. customers as of the date of the orders and were originally equipped with SK batteries. The investigation is terminated.

The Commission's reasons for its determinations are set forth more fully in the Commission's opinion.

The Commission's orders and opinion were delivered to the President and the United States Trade Representative on the day of their issuance.

The Commission vote for these determinations took place on February 10, 2021.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 10, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–03109 Filed 2–16–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Federal Employees' Compensation Act Medical Reports and Compensation Claims

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of the Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 19, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Office of Worker's Compensation Programs (OWCP) administers the Federal Employees' Compensation Act (FECA). 5 U.S.C. 8149, Congress gives the Secretary of Labor authority to prescribe the rules and regulations necessary for the administration and enforcement of the FECA. 5 U.S.C. 8102, the FECA requires the United States to provide compensation to individuals who sustain an injury while in the course of federal employment. 5 U.S.C. 8103, authorizes FECA to provide medical and initial medical and other benefits.

For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 13, 2020 (85 FR 72701).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Federal Employees' Compensation Act Medical Reports and Compensation Claims.

OMB Control Number: 1240–0046.

Affected Public: Individuals and households.

Total Estimated Number of Respondents: 282,353.

Total Estimated Number of Responses: 282,353.

Total Estimated Annual Time Burden: 25,605 hours.

Total Estimated Annual Other Costs Burden: $110,118.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: February 9, 2021.

Anthony May,

Management and Program Analyst.

[FR Doc. 2021–03117 Filed 2–16–21; 8:45 am]

BILLING CODE 4510–CH–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Workforce Innovation and Opportunity Act Common Performance Reporting

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this ETA-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 19, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Section 116(d)(1) of the Workforce Innovation and Opportunity Act (WIOA) mandates that the Secretaries of Labor and Education develop a template for performance reports to be used by States, local boards, and ETPs for reporting on outcomes achieved by participants in the six core programs.

Corresponding joint regulations for these data collection requirements, including which primary performance indicators apply for each core program, have been issued by the Departments. See 81 FR 55792 (Aug. 19, 2016). The final regulations became effective on October 18, 2016. These joint performance regulations can be found at: (1) 20 CFR part 677 (which covers the Adult and Dislocated Worker programs (20 CFR part 680), the Youth program (20 CFR part 681), and the Wagner-Peyser Act program (20 CFR part 652)); (2) 34 CFR part 463, subpart I (which covers the AEFLA program); and (3) 34 CFR part 361, subpart E (which covers the VR program). For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 9, 2020 (85 FR 41245).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Workforce Innovation and Opportunity Act Common Performance Reporting.

OMB Control Number: 1205–0526.

Affected Public: State, Local, and Tribal Governments and Individuals or Households.

Total Estimated Number of Respondents: 19,114,129.

Total Estimated Number of Responses: 38,216,054.

Total Estimated Annual Time Burden: 9,863,057 hours.

Total Estimated Annual Other Costs Burden: $34,594,532.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 15, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–03115 Filed 2–16–21; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Rehabilitation Action Report

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of the Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 19, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The OWCP is the agency responsible for administration of the Longshore and Harbor Workers' Compensation Act (LHWCA) and the Federal Employees' Compensation Act (FECA). 33 U.S.C. 939 (LHWCA) and 5 U.S.C. 8104 (FECA) authorize OWCP to pay for approved vocational rehabilitation services to eligible workers with work-related disabilities. 5 U.S.C. 8111(b) of the FECA and 33 U.S.C. 908(g) of the LHWCA provide that persons undergoing such vocational rehabilitation receive maintenance allowances as additional compensation. Form OWCP–44 is used to collect information necessary to decide if maintenance allowances should continue to be paid. Form OWCP–44 is submitted to OWCP by contractors hired to provide vocational rehabilitation services. Form OWCP–44 gives prompt notification of key events that may require OWCP action in the vocational

rehabilitation process. This information collection is currently approved for use through February 28, 2021. For LHWCA, 20 CFR 702.506 and 20 CFR 702. 507, and for FECA, 20 CFR 10.518 and 20 CFR 10.519, authorize this information collection. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 25, 2020 (85 FR 75377).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Rehabilitation Action Report.

OMB Control Number: 1240–0008.

Affected Public: Business or other for-profits; not-for-profit institutions.

Total Estimated Number of Respondents: 3,299.

Total Estimated Number of Responses: 3,299.

Total Estimated Annual Time Burden: 550 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: February 9, 2021.

Anthony May,

Management and Program Analyst.

[FR Doc. 2021–03118 Filed 2–16–21; 8:45 am]

BILLING CODE 4510–CH–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Gain Handling Facilities Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 19, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The information collection requirements are directed toward assuring the safety of workers in grain handling through development of a housekeeping plan, an emergency action plan, procedures for the use of tags and locks, the issuance of hot work permits, and permits for entry into grain storage structures. Certification records are required after inspections of the mechanical and safety control equipment associated with dryers, grain stream processing equipment, etc. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 23, 2020 (85 FR 74765).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Grain Handling Facilities.

OMB Control Number: 1218–0206.

Affected Public: Private Sector, Farm.

Total Estimated Number of Respondents: 89,640.

Total Estimated Number of Responses: 1,105,635.

Total Estimated Annual Time Burden: 57,837 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Crystal Rennie,

PRA Senior Analyst.

[FR Doc. 2021–03116 Filed 2–16–21; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Thursday, February 18, 2021.

PLACE: Due to the COVID–19 Pandemic, the meeting will be open to the public via live webcast only. Visit the agency's homepage (*www.ncua.gov*) and access the provided webcast link.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

1. Board Briefing, Share Insurance Fund Quarterly Report.

2. NCUA Rules and Regulations, Joint Ownership Share Accounts.

3. Board Briefing, Consolidated Appropriations Act, 2021, Emergency Capital Investment Program.

CONTACT PERSON FOR MORE INFORMATION: Melane Conyers-Ausbrooks, Secretary of the Board, Telephone: 703–518–6304.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2021–03211 Filed 2–12–21; 11:15 am]

BILLING CODE 7535–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Submission for OMB Review, Comment Request, Proposed Collection: Generic Clearance To Conduct Pre-Testing of Surveys

AGENCY: Institute of Museum and Library Services, National Foundation for the Arts and the Humanities

ACTION: Submission for OMB Review, comment request.

SUMMARY: The Institute of Museum and Library Services announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. This notice proposes a generic clearance to Conduct Pre-Testing of Surveys, comprising of test questionnaires and survey procedures, in order to improve the quality and usability of information collection instruments. For more information on the types of proposed information collection requests for pre-testing survey IMLS may administer, contact the individual listed below in the **FOR FURTHER INFORMATION** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before March 16, 2021.

OMB is particular interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses).

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this Notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Institute of Museum and Library Services'' under ''Currently Under Review;'' then check ''Only Show ICR for Public Comment'' checkbox. Once you have found this information collection request, select ''Comment,'' and enter or upload your comment and information. Alternatively, please mail your written comments to Office of Information and Regulatory Affairs, Attn.: OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, or call (202) 395–7316.

FOR FURTHER INFORMATION CONTACT: Matthew Birnbaum, Ph.D., Senior Evaluation Officer, Office of Digital and Information Strategy, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington DC 20024–2135. Dr. Birnbaum can be reached by telephone at 202–653–4760, by email at *mbirnbaum@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614. Persons who are deaf or hard of hearing (TTY users) can contact IMLS via Federal Relay at 800–877–8339.

SUPPLEMENTARY INFORMATION: The Institute of Museum and Library Services (IMLS) is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. Our vision is a nation where museums and libraries work together to transform the lives of individuals and communities. To learn more, visit *www.imls.gov.*

Current Actions: This notice proposes a new three-year Generic Clearance to Conduct Pre-Testing of Surveys that will allow the agency to develop, test, and improve its surveys and methodologies. The 60-Day Notice was published in the **Federal Register** on July 10, 2020 (85 FR 41629). No comments were received.

IMLS envisions using a variety of techniques including but not limited to tests of various types of survey operations, focus groups, cognitive laboratory activities, pilot testing, exploratory interviews, experiments with questionnaire design, and usability testing of electronic data collection instruments.in order to identify questionnaire and procedural problems, suggest solutions, and measure the relative effectiveness of alternative solutions. Following standard OMB requirements, IMLS will submit a change request to OMB for each data collection activity undertaken under this generic clearance. IMLS will provide OMB with the instruments and supporting materials describing the research project and specific pre-testing activities.

Agency: Institute of Museum and Library Services.

Title of Collection: Generic Clearance to Conduct Pre-Testing of Surveys 2020–2023.

OMB Control Number: 3137–NEW.

Agency Number: 3137.

Affected Public: State, Local, and Tribal governments; libraries; museums.

Total Estimated Number of Annual Responses: 650.

Frequency of Response: Once per request.

Average Hours per Response: 1.

Total Estimated Number of Annual Burden Hours: 650.

Total Annual Cost Burden: $18,915.00.

Total Annual Federal Costs: $145,000.00.

Dated: February 11, 2021.

Amanda M.F. Bakale,

Assistant General Counsel.

[FR Doc. 2021–03134 Filed 2–16–21; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Special Meeting of the National Museum and Library Services Board

AGENCY: Institute of Museum and Library Services (IMLS), NFAH.

ACTION: Notice of meeting.

SUMMARY: The National Museum and Library Services Board, which advises the Director of the Institute of Museum and Library Services in awarding national awards and medals, will meet

by teleconference on March 2, 2021, to review nominations for the 2021 National Medal for Museum and Library Service.

DATES: Tuesday, March 2, 2021, at 1:30 p.m. EST.

ADDRESSES: The meeting will convene virtually.

FOR FURTHER INFORMATION CONTACT: Katherine Maas, Program Specialist and Alt. Designated Federal Officer, Institute of Museum and Library Services, Suite 4000, 955 L'Enfant Plaza North SW, Washington, DC 20024; (202) 653–4798.

SUPPLEMENTARY INFORMATION: The National Museum and Library Services Board is meeting pursuant to the National Museum and Library Service Act, 20 U.S.C., 9105a, and the Federal Advisory Committee Act (FACA) as amended, 5 U.S.C. App. to review nominations for the 2021 National Medal for Museum and Library Service.

The meeting will be closed to the public pursuant to subsections (c)(4), (c)(6) and (c)(9) of section 552b of Title 5, United States Code, as amended. The closed meeting will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; and information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action.

Dated: February 11, 2021.

Amanda M.F. Bakale,

Assistant General Counsel.

[FR Doc. 2021–03141 Filed 2–16–21; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL SCIENCE FOUNDATION

Business and Operations Advisory Committee Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub., L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Business and Operations Advisory Committee (9556) (Virtual).

Date and Time: March 10, 2021; 11:00 a.m. to 5:30 p.m. (EST).

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 (Virtual attendance only). To attend the virtual meeting, please send your request for the meeting link to the following email address: *asohail@nsf.gov.*

Type of Meeting: OPEN.

Contact Person: Anna Sohail, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: (703) 292–8200.

Purpose of Meeting: To provide advice concerning issues related to the oversight, integrity, development and enhancement of NSF's business operations.

Agenda

- Welcome/Introductions
- BFA, OIRM, Budget Updates
- Award Performance Reporting Compliance Challenges
- Approval of Subcommittee for Information Technology Related to Renewing NSF
- Remote Workforce in the New Normal
- NSF Strategic Plan Feedback
- Meeting with Dr. Panchanathan and Dr. Crim

Dated: February 11, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021–03119 Filed 2–16–21; 8:45 am]

BILLING CODE 7555–01–P

PEACE CORPS

Information Collection Request Submission for OMB Review; Reopening of Comment Period

AGENCY: Peace Corps.

ACTION: Notice; reopening of comment period.

SUMMARY: The Peace Corps published a document in the **Federal Register** of December 8, 2020, concerning request for comments on an information collection request submission for OMB Review. The purpose of this notice is to reopen the document comment period.

DATES: The comment period for the notice published December 8, 2020, at 85 FR 79046, is reopened. Submit comments on or before March 19, 2021.

ADDRESSES: Address written comments and recommendations for the proposed information collection to Virginia Burke, FOIA/Privacy Act Officer, by email at *pcfr@peacecorps.gov.* Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Virginia Burke, 202–692–1887.

SUPPLEMENTARY INFORMATION: In FR Doc. 2020–26879, published at 85 FR 79046 on December 8, 2020, the notice gave a 30-day comment period that closed on January 7, 2021, but the comment period should have been 60 days. The Peace Corps is reopening the comment period to provide an additional 30 days of comments.

This notice is issued in Washington, DC, on February 10, 2021.

Virginia Burke,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2021–03074 Filed 2–16–21; 8:45 am]

BILLING CODE 6051–01–P

PEACE CORPS

Information Collection Request Submission for OMB Review; Reopening of Comment Period

AGENCY: Peace Corps.

ACTION: Notice; reopening of comment period.

SUMMARY: The Peace Corps published a document in the **Federal Register** of December 7, 2020, concerning request for comments on an information collection request submission for OMB Review. The purpose of this notice is to reopen the document comment period.

DATES: The comment period for the notice published December 7, 2020, at 85 FR 78886, is reopened. Submit comments on or before March 19, 2021.

ADDRESSES: Address written comments and recommendations for the proposed information collection to Virginia Burke, FOIA/Privacy Act Officer, by email at *pcfr@peacecorps.gov.* Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Virginia Burke, 202–692–1887.

SUPPLEMENTARY INFORMATION: In FR Doc. 2020–26808, published at 85 FR 78886 on December 7, 2020, the notice gave a 30-day comment period that closed on January 6, 2021, but the comment period should have been 60 days. The Peace Corps is reopening the comment period to provide an additional 30 days of comments.

This notice is issued in Washington, DC, on February 9, 2021.

Virginia Burke,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2021–03079 Filed 2–16–21; 8:45 am]

BILLING CODE 6051–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Application To Participate as a Carrier Under 5 U.S.C. 8903(4); 3206–XXXX

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: Healthcare and Insurance, Office of Personnel Management (OPM)

offers the health plan carriers, general public and other federal agencies the opportunity to comment on the carrier application for participating in the Federal Employees Health Benefits (FEHB) Program. The requirements that must be met by carriers seeking to participate (and remain) in the FEHB Program are set forth in the stature and regulations.

DATES: Comments are encouraged and will be accepted until April 19, 2021.

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by the following method:

Federal Rulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

All submissions received must include the agency name and docket number or RIN for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Personnel Management, 1900 E Street NW, Washington, DC 20415, Attention: Michael W Kaszynski, Senior Policy Analyst, Healthcare and Insurance at *Michael.Kaszynski@opm.gov* or (202) 606–2128.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

OPM uses the application to determine if carriers meet the requirements set forth in the statute and regulations governing the FEHB. On the application, OPM collects information from applicants regarding their solvency, marketing and enrollment, health care delivery and covered services, utilization controls and quality assurance, and other general information and certifications. OPM uses this information to determine if the applicant is qualified to participate in the FEHB Program.

Analysis

Agency: Healthcare and Insurance, Office of Personnel Management.

Authority: 5 U.S.C. 8903(4).

Title: Application To Participate as a Carrier Under 5 U.S.C. 8903(4).

OMB Number: 3206–0145.

Reinstatement, with change, of a previously approved collection.

Frequency: Annually.

Affected Public: Health plan carriers applying for participation in the FEHB Program.

Number of Respondents: 5.

Estimated Time per Respondent: 100 hours.

Total Burden Hours: 500 hours.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021–03166 Filed 2–16–21; 8:45 am]

BILLING CODE 6325–64–P

POSTAL REGULATORY COMMISSION

[Docket No. PI2020–1; Order No. 5832]

Public Inquiry

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission, in response to a motion by the Postal Service, notices its filing of a detailed explanation of its current Universal Service Obligation (USO) valuation methodology, including workpapers showing the calculations underlying the Commission's most recent USO valuation. The Commission has determined that providing the documentation of its current monopoly valuation methodology, including supporting workpapers, would be equally valuable to interested persons seeking to comment in this docket. This document informs the public of this proceeding and the technical conference, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 26, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION: In Docket No. PI2021–1 and in response to a motion by the Postal Service, the Commission notices its filing of a detailed explanation of its current Universal Service Obligation (USO) valuation methodology, including workpapers showing the calculations underlying the Commission's most recent USO valuation.[1] The Commission has determined that providing the documentation of its current monopoly valuation methodology, including supporting workpapers, would be equally valuable to interested persons seeking to comment in this docket. Library Reference PRC–LR–PI2020–1–NP1 (filed under seal) consists of the SAS programs, datasets, input workbooks and output files used to develop the FY 2018 and FY 2019 postal and mailbox monopolies estimates.[2] In addition, the Library Reference includes a Word document describing these files, processing instructions and their use, as well as the various output files produced.

As such, the Commission is providing public notice of filing its Analysis of the Value of the Postal and Mailbox Monopolies (Library Reference PRC–LR–PI2020–1–NP1).

[1] Docket No. PI2021–1, Order Granting Motion to Disclose Methodological Information and to Adjust Procedural Schedule, January 21, 2021 (Order No. 5821).

[2] The mailbox monopoly is the Postal Service's exclusive right to deliver to and collect from mailboxes. The letter monopoly is the Postal Service's exclusive right to carry and deliver most addressed, paper-based correspondence. The combined letter and mailbox monopolies are together referred to as the postal monopoly. Subtracting the value of the mailbox monopoly from the value of the postal monopoly does not yield the value of the letter monopoly because there is overlap in the contestable mail and a different frequency of delivery by the competitor. Without access to mailboxes, it is unlikely that the competitor could successfully capture mail directed to a specific person or address because those pieces are delivered to and collected from mailboxes. Therefore, a separate estimate of the value of the letter monopoly alone (retaining the mailbox monopoly) is not calculated.

Overview of Current Changes to Original Monopolies Methodology

SAS Programs Changes, Input Workbooks Changes and Other Material Methodological Changes (FY 2018 and FY 2019 Monopolies Estimates)

To the extent possible, the Commission attempted to update and replicate nearly all aspects of the original methodology.[3] Out of necessity, the original SAS programming code was modified to accommodate or incorporate changes in the data sources such as new product codes or other time or mail volume changes.[4]

The original monopoly methodology had ''Parcel Post'' as the only mail in the category that the SAS programs and processing refer to as ''d23'' volume.[5] In the 2008 USO Report methodology, contestable mail included ''Parcel Post'' dropshipped at the destination delivery unit (DDU).[6] Because ''Parcel Post'' evolved [7] since then, in the FY 2018 and FY 2019 methodology, the ''d23'' volume includes Parcel Select/Parcel Select Lightweight, Retail Ground/Standard Post and First-Class Packages in the input workbooks and volume groupings of the overarching structure of the SAS processing programs code.[8]

The FY 2018 and FY 2019 data source mail volume inputs to the models also differ from previous years. The volume inputs are adjusted (weighted) to the national fiscal year annual estimates of mail volume delivered by city carriers (on letter routes) and rural carriers. The Commission's Sensitivity Analysis section that follows includes the results of those changes for FY 2019.

Commission's Sensitivity Analysis

The Commission's models allow for the selection of different values for certain key parameters that affect the estimated value of the monopolies. In addition to the base case values that reflect the assumptions that the Commission selected as the most likely, ''low'' and ''high'' values are evaluated to demonstrate the sensitivity of the results to each parameter and to help conceptualize the lower and upper bounds of reasonable estimates. Figure 1 shows that the combined monopoly value estimate is most sensitive to the contestable volume with a range from low to high of about $7.2 billion. The results are less sensitive to the discount or to the cost advantage variables.

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[3] *See* Report on Universal Postal Service and the Postal Monopoly, December 19, 2008 (2008 USO Report). Additionally, the Commission filed Appendices and Workpapers attached as zip files. *See* folder ''Appendices,'' folder ''USO Appendices,'' PDF file ''Appendix F Section 4.pdf'' (Quantitative Analysis of the Value of the Postal and Mailbox Monopolies, Robert H. Cohen) and folder ''Workpapers and Data Files Appendix F4.zip.'' The files included with the FY 2018 and FY 2019 PRC–LR–PI2020–1–NP1 Library Reference mimic the same structure (where applicable) and purpose of the SAS programs and datasets as well as the input and output workbooks provided in the 2008 USO Report ''Workpapers and Data Files Appendix F4.zip'' folder ''Workpapers and Data Files Appendix F4.''

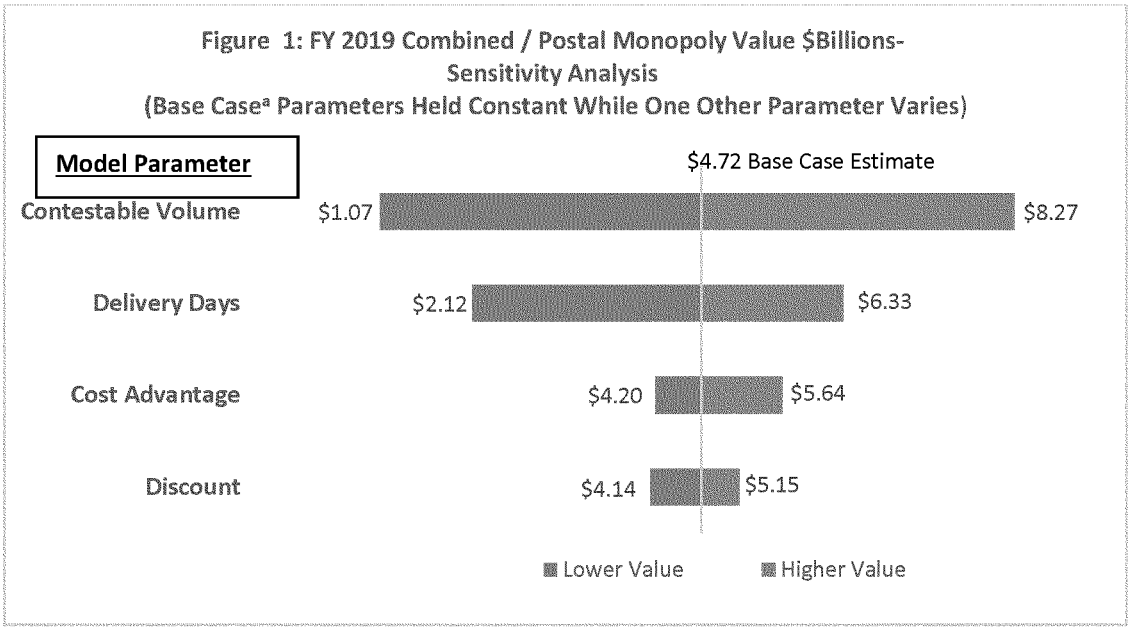
[4] For example, the City Carrier Cost System (CCCS) sampling design change described in Docket No. ACR2008, Library Reference USPS–FY08–34, December 30, 2008, PDF file ''USPS–FY08–34_CCCS_Final.pdf,'' at 1. Additionally, to improve efficiency, the rural product distribution keys development was automated in the methodology after the 2008 Report.

[5] The FY 2007 CCCS data set had bucket number 23 mail volume as ''Parcel Post.'' *See* Docket No. ACR2007, Library Reference USPS–FY07–28, December 28, 2007, file ''USPS_FY07_28_CCCS_Final.doc, at 12; Workpapers and Data Files Appendix F4, file ''SAS program ''CCS07_newwts1.sas.''

[6] *See* 2008 USO Report, Workpapers and Data Files Appendix F4, Excel file ''contestable_vol_est_120708.xls,'' tab ''FY07.'' A note is included in tab ''FY07,'' line 11, ''Note: used .523 (ratio of DDU/Tot PP in R2006–1) x 349 mil (FY07 Tot PP RPW).''

[7] The United States Postal Service Office of Inspector General states that ''Parcel Post has evolved into a diverse set of package delivery services that are integral to the Nation's lifestyle and commerce, including Priority Mail, Parcel Select, which allows mailers to enter discounted packages deep within the U.S. Postal Service's network, and Standard Post, Parcel Post's direct descendant.'' *See* United States Postal Service Office of Inspector General White Paper, Report No. RARC–WP–14–004, 100 Years of Parcel Post, December 20, 2013, at ii, available at: *https://www.uspsoig.gov/sites/default/files/document-library-files/2015/rarc-wp-14-004_0.pdf*.

[8] *See* Docket No. ACR2019, Library Reference USPS–FY19–NP22, December 27, 2019, PDF file ''USPS–FY19_NP22_CCCS_Preface.pdf,'' at 37–38; Library Reference USPS–FY19–NP23, December 27, 2019, PDF file ''USPS–FY19–NP23_RCCS_Preface.pdf,'' at 22–23: bucket numbers 123 (First-Class Package), 420 (Parcel Select), 430 (Parcel Select Lightweight), 460 (Retail Ground/Standard Post). The ''d23'' percentage of contestable mail is based on the number of Parcel Select and Parcel Select Lightweight packages dropshipped (data source from the billing determinants) at the DDU. *See* Library Reference PRC–LR–PI2020–1–NP1, Excel file ''Contestable_2019.xlsx,'' tabs ''FY 19,'' ''FY 19 Contestable,'' and ''19Parcel Select.''



[a] The base case parameters for the combined (letter and mailbox)/postal monopoly estimate are the entrant offers a 10 percent discount, has a 10 percent cost advantage, delivers 3 days a week, and potentially skims 100 percent of the eligible contestable mail on profitable routes.
Source: Commission analysis, Library Reference PRC-LR-PI2020-1-NP1.

Table 1
FY 2019 Values of the Combined (Letter and Mailbox)/Postal Monopoly-Sensitivity Analysis
(Base Case[9]-Parameters Held Constant While One Other Parameter Varies)

Discount	0 percent	5 percent	10 percent	15 percent	20 percent
Value	$5.15 billion	$4.95 billion	$4.72 billion	$4.43 billion	$4.14 billion
Skimmed routes	68 percent	64 percent	60 percent	55 percent	50 percent

Days/week	1	2	3	4	5	6
Value	$6.33 billion	$5.77 billion	$4.72 billion	$3.72 billion	$2.86 billion	$2.12 billion
Skimmed routes	97 percent	81 percent	60 percent	43 percent	31 percent	21 percent

Cost Advantage	0 percent	10 percent	20 percent	30 percent
Value	$4.20 billion	$4.72 billion	$5.20 billion	$5.64 billion
Skimmed routes	51 percent	60 percent	69 percent	78 percent

Contestable Volume	50 percent	100 percent	150 percent
Value	$1.07 billion	$4.72 billion	$8.27 billion
Skimmed routes	21 percent	60 percent	79 percent

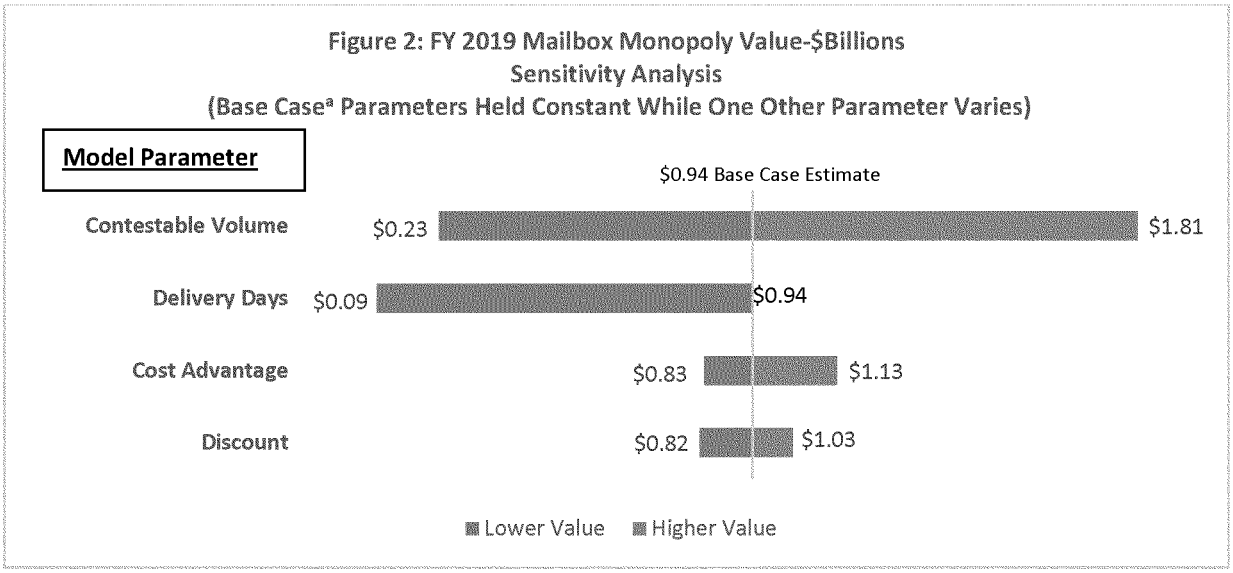
Denotes base case parameter value for the combined/postal monopoly estimate.

Source: Commission analysis, Library Reference PRC-LR-PI2020-1-NP1.

To test the sensitivity of the FY 2019 base case combined monopoly estimate, the value of the combined monopoly estimate is shown below in Table 1 for the full range of each parameter while holding the other variables to their base case values.

Figure 2 shows that the mailbox monopoly value estimate is most sensitive to the contestable volume with a range from low to high of about $1.6 billion. The mailbox monopoly value estimate is also sensitive to the number of delivery days. The results are less sensitive to the discount or to the cost advantage variables.

[9] The base case combined monopoly model parameters (discount, delivery days/week, cost advantage and percentage of contestable mail potentially skimmed on profitable routes) are shaded in Table 1. The base case parameters for the combined (letter and mailbox)/postal monopoly estimate are the entrant offers a 10 percent discount, has a 10 percent cost advantage, delivers 3 days a week and potentially skims 100 percent of the eligible contestable mail on profitable routes.



[a] The base case parameters for the mailbox monopoly estimate are the entrant offers a 10 percent discount, has a 10 percent cost advantage, delivers 1 day a week, and potentially skims 100 percent of the eligible contestable mail on profitable routes.
Source: Commission analysis, Library Reference PRC-LR-PI2020-1-NP1.

Table 2
FY 2019 Values of the Mailbox Monopoly-Sensitivity Analysis
(Base Case[10]-Parameters Held Constant While One Other Parameter Varies)

Discount	0 percent	5 percent	10 percent	15 percent	20 percent
Value	$1.03 billion	$0.99 billion	$0.94 billion	$0.89 billion	$0.82 billion
Skimmed routes	62 percent	58 percent	53 percent	48 percent	43 percent

Days/week	1	2	3	4	5	6
Value	$0.94 billion	$0.44 billion	$0.19 billion	$0.12 billion	$0.10 billion	$0.09 billion
Skimmed routes	53 percent	19 percent	6 percent	3 percent	2 percent	2 percent

Cost Advantage	0 percent	10 percent	20 percent	30 percent
Value	$0.83 billion	$0.94 billion	$1.04 billion	$1.13 billion
Skimmed routes	44 percent	53 percent	63 percent	73 percent

Contestable Volume	50 percent	100 percent	150 percent
Value	$0.23 billion	$0.94 billion	$1.81 billion
Skimmed routes	19 percent	53 percent	73 percent

Denotes base case parameter value for the mailbox monopoly estimate.

Source: Commission analysis, Library Reference PRC-LR-PI2020-1-NP1.

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To test the sensitivity of the FY 2019 base case combined monopoly estimate, the value of the combined monopoly estimate is shown below in Table 2 for the full range of each parameter while holding the other variables to their base case values.

To the extent that the Commission's additional analysis and this information may affect comments already filed in this docket or create new areas of interest for parties, the Commission is opening up a second comment period. Interested persons are invited to comment on any or all aspects of existing and potential methodology changes. Comments are due March 26, 2021.

It is ordered:

1. The Commission provides notice of filing its Analysis of the Value of the Postal and Mailbox Monopolies in Library Reference PRC–LR–PI2020–1–NP1.

2. Interested persons may submit written comments on any or all aspects of the Commission's estimation methodology no later than March 26, 2021.

3. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2021–03103 Filed 2–16–21; 8:45 am]

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[10] The parameters for the base case of the mailbox monopoly model are that the entrant offers a 10 percent discount, has a 10 percent cost advantage, delivers 1 day a week, and potentially skims 100 percent of the eligible contestable mail on profitable routes.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91094; File No. SR–MEMX–2021–02]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule

February 10, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 29, 2021, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend the Exchange's fee schedule applicable to Members [3] (the ''Fee Schedule'') pursuant to Exchange Rules 15.1(a) and (c). The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal on February 1, 2021. The text of the proposed rule change is provided in Exhibit 5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Fee Schedule to (i) increase the standard rebate for executions of orders (other than Retail Orders [4]) in securities priced at or above $1.00 per share that add displayed liquidity to the Exchange; (ii) increase the standard rebate for executions of Retail Orders in securities priced at or above $1.00 per share that add displayed liquidity to the Exchange; (iii) increase the standard fee for executions of orders in securities priced at or above $1.00 per share that remove liquidity from the Exchange; and (iv) adopt a fee for executions of orders in securities priced below $1.00 per share that are routed to and executed on an away market and that remove liquidity from the market to which they are routed.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or rebates/incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues, to which market participants may direct their order flow. Based on publicly available information, no single registered equities exchange currently has more than approximately 15% of the total market share of executed volume of equities trading.[5] Thus, in such a low-concentrated and highly competitive market, no single equities trading venue possesses significant pricing power in the execution of order flow, and the Exchange currently represents less than 1% of the overall market share.[6]

Increased Standard Rebate for Added Displayed Volume

The Exchange proposes to increase the standard rebate provided for executions of orders (other than Retail Orders) in securities priced at or above $1.00 per share that are displayed on the MEMX Book [7] and add liquidity to the Exchange (''Added Displayed Volume''). Currently, the Exchange provides a standard rebate of $0.0029 per share for executions of Added Displayed Volume. The Exchange now proposes to increase the standard rebate provided for executions of Added Displayed Volume to $0.0034 per share.

Increased Standard Rebate for Added Displayed Retail Volume

The Exchange also proposes to increase the standard rebate provided for executions of Retail Orders in securities priced at or above $1.00 per share that are displayed on the MEMX Book and add liquidity to the Exchange (''Added Displayed Retail Volume''). Currently, the Exchange provides a standard rebate of $0.0034 per share for executions of Added Displayed Retail Volume. The Exchange now proposes to increase the standard rebate provided for executions of Added Displayed Retail Volume to $0.0037 per share. As a recent entrant in the equities market and to attract additional order flow to the Exchange to help it compete with other equities trading venues, the Exchange previously adopted a higher standard rebate for executions of Added Displayed Retail Volume relative to the standard rebate for executions of Added Displayed Volume to incentivize Members to submit additional order flow in the form of Retail Orders to the Exchange.[8] The proposed increase rebate for executions of Added Displayed Retail Volume is designed to maintain a higher rebate for such orders relative to the standard rebate for Added Displayed Volume, which the Exchange is proposing to increase from $0.0029 per share to $0.0034 per share, as described above.

Increased Standard Fee for Removed Volume

The Exchange also proposes to increase the standard fee charged for executions of orders in securities priced at or above $1.00 per share that remove liquidity from the Exchange (''Removed Volume''). Currently, the Exchange charges a standard fee of $0.0025 per share for executions of Removed Volume. The Exchange now proposes to increase the standard fee charged for executions of Removed Volume to $0.0026 per share.

Adoption of Standard Fee for Routed Removed Sub-Dollar Volume

Lastly, the Exchange proposes to adopt a standard fee for executions of orders in securities priced below $1.00 per share that are routed to and executed on an away market and that remove liquidity from the market to which they are routed (''Routed Removed Sub-Dollar Volume''). Currently, the Exchange does not charge a fee or provide a rebate for executions of Routed Removed Sub-Dollar Volume. The Exchange now proposes to charge a standard fee of 0.30% of the total dollar value of each execution of Routed Removed Sub-Dollar Volume. The Exchange notes that the routing services offered by the Exchange and its affiliated broker-dealer are completely optional and market participants can readily select between various providers of routing services, including other exchanges and broker-dealers.

Additional Discussion

The purpose of the proposed increased standard rebates for executions of Added Displayed Volume

[3] *See* Exchange Rule 1.5(p).

[4] A ''Retail Order'' means an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by a Retail Member Organization, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. *See* Exchange Rule 11.21(a).

[5] Market share percentage calculated month-to-date for January 2021 as of January 28, 2021. The Exchange receives and processes data made available through consolidated data feeds (*i.e.,* CTS and UTDF).

[6] *Id.*

[7] ''MEMX Book'' refers to the Exchange system's electronic file of orders. *See* Exchange Rule 1.5(q).

[8] *See* Securities Exchange Act Release No. 90555 (December 3, 2020), 85 FR 79244 (December 9, 2020) (SR–MEMX–2020–14).

and Added Displayed Retail Volume is for business and competitive reasons, as the Exchange believes such increased rebates would incentivize Members to submit additional displayed liquidity-adding order flow (including both Retail Orders and non-retail orders) to the Exchange, which the Exchange believes would promote price discovery and price formation, provide more trading opportunities and tighter spreads, and deepen liquidity that is subject to the Exchange's transparency, regulation and oversight, thereby enhancing market quality to the benefit of all Members and investors.

The purpose of the proposed increased standard fee for executions of Removed Volume and the proposed adoption of a standard fee for executions of Routed Removed Sub-Dollar Volume is also for business and competitive reasons, as the Exchange believes such fees would generate additional revenue to offset some of the costs associated with the proposed increased rebates for executions of Added Displayed Volume and Added Displayed Retail Volume described above, and the Exchange's operations generally, in a manner that is consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity. The proposed standard fee for executions of Routed Removed Sub-Dollar Volume is also intended to recoup some of the Exchange's costs associated with handling such orders, including the costs of operating the Exchange's affiliated routing broker-dealer and the applicable fees charged by the away market for removing liquidity, as the current pricing structure would require the Exchange to absorb all such costs.

The proposed rule change does not include different fees or rebates that depend on the amount of orders submitted to, and/or transactions routed or executed on or through, the Exchange or its affiliated routing broker-dealer. Accordingly, all fees and rebates described above are applicable to all Members, regardless of the overall volume of a Member's routing or trading activities on or through the Exchange or its affiliated routing broker-dealer.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[9] in general, and with Sections 6(b)(4) and (5) of the Act,[10] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As discussed above, the Exchange operates in a highly fragmented and competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient, and the Exchange represents only a small percentage of the overall market. The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and also recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [11]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. The Exchange also reiterates that the routing services offered by the Exchange and its affiliated broker-dealer are completely optional and that the Exchange operates in a highly competitive market in which market participants can readily select between various providers of routing services with different product offerings and different pricing. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates generally, including with respect to Added Displayed Volume, Added Displayed Retail Volume, Removed Volume and Routed Removed Sub-Dollar Volume, and market participants can readily trade on and/or or utilize the routing services of competing venues if they deem pricing levels or product offerings at those other venues to be more favorable. The Exchange believes the proposed rule change reflects a reasonable and competitive pricing structure designed to incentivize market participants to add aggressively priced displayed liquidity and direct their order flow to the Exchange, which the Exchange believes would promote price discovery and price formation, provide more trading opportunities and tighter spreads, and deepen liquidity that is subject to the Exchange's transparency, regulation and oversight, thereby enhancing market quality to the benefit of all Members and investors.

Increased Standard Rebate for Added Displayed Volume

The Exchange believes the proposed increased standard rebate for executions of Added Displayed Volume is reasonable, equitable and consistent with the Act because it is designed to incentivize Members to submit additional displayed liquidity-adding orders to the Exchange, which would enhance liquidity on the Exchange and promote price discovery and price formation. The Exchange further believes the proposed increased standard rebate is reasonable and appropriate because it is comparable to, and competitive with, the rebates provided by other exchanges for executions of liquidity-adding displayed non-retail orders in securities priced at or above $1.00 per share.[12] However, the Exchange notes that certain of these exchanges provide a tiered pricing structure that provides a comparable rebate for executions of liquidity-adding displayed non-retail orders in securities priced at or above $1.00 per share only when certain volume thresholds are met.[13] The Exchange believes that, consistent with the Exchange's existing pricing structure, it is reasonable, equitable and not unfairly discriminatory to provide a higher rebate for executions of displayed orders that add liquidity than to non-displayed orders as this rebate structure is designed to incentivize Members to submit displayed orders to the Exchange, thereby contributing to price discovery and price formation, consistent with the overall goal of enhancing market quality. The

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[12] *See, e.g.,* the MIAX PEARL, LLC equities trading fee schedule on its public website (available at *https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MIAX_PEARL_Equities_Fee_Schedule_01012021.pdf*), which reflects a standard rebate of $0.0032 per share to add displayed liquidity in Tape A and Tape C securities priced at or above $1.00 per share and a standard rebate of $0.0035 per share to add displayed liquidity in Tape B securities priced at or above $1.00 per share; the NYSE Arca, Inc. (''NYSE Arca'') equities trading fee schedule on its public website (available at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf*), which reflects rebates up to $0.0033 per share to add displayed liquidity in Tape A and Tape C securities priced at or above $1.00 per share depending on the applicable tier and rebates up to $0.0034 per share to add displayed liquidity in Tape B securities priced at or above $1.00 per share depending on the applicable tier.

[13] *Id.*

Exchange further believes that this fee is equitably allocated and not unfairly discriminatory because it applies equally to all Members and, when coupled with lower fees for removing liquidity, is designed to facilitate increased activity on the Exchange to the benefit of all Members by providing more trading opportunities and promoting price discovery.

The Exchange notes that under this proposal the Exchange will continue to pay a higher rebate for Added Displayed Volume than the fee it charges for removing such volume, and as such the Exchange will continue to have a negative net capture (*i.e.,* will lose money) with respect to such transactions. The Exchange notes that, as a recent entrant in the equities market, it will only utilize a pricing structure whereby it maintains a negative net capture with respect to such transactions for a limited time in an effort to encourage market participants to join, connect to, and participate on the Exchange. As noted above, the Exchange operates in a highly competitive market, and the Exchange believes this pricing structure will enable it to effectively compete with other exchanges by attracting Members and order flow to the Exchange, which will help the Exchange to gain market share for executions. The Exchange expects to modify its pricing structure after it has gained sufficient participation from market participants and market share for executions to eliminate the negative net capture and instead be profitable with respect to such transactions.

Increased Standard Rebate for Added Displayed Retail Volume

Similarly, the Exchange believes the proposed increased standard rebate for executions of Added Displayed Retail Volume is reasonable, equitable and consistent with the Act because it is designed to incentivize Members to submit additional displayed liquidity-adding Retail Orders to the Exchange, which would enhance liquidity in Retail Orders on the Exchange and promote price discovery and price formation. The Exchange further believes the proposed increased standard rebate is reasonable and appropriate because it is comparable to, and competitive with, the rebates provided by other exchanges for executions of liquidity-adding displayed retail orders in securities priced at or above $1.00 per share.[14] However, the Exchange notes that these exchanges provide a tiered pricing structure that provides a comparable rebate for executions of liquidity-adding displayed retail orders in securities priced at or above $1.00 per share only when certain volume thresholds are met.[15] The Exchange believes that it is reasonable, equitable and not unfairly discriminatory to provide a higher rebate for executions of displayed Retail Orders that add liquidity than to non-displayed Retail Orders as this rebate structure is designed to incentivize Members to submit displayed orders to the Exchange, thereby contributing to price discovery and price formation, consistent with the overall goal of enhancing market quality.

The Exchange understands that Section 6(b)(5) of the Act[16] prohibits an exchange from establishing rules that are designed to permit unfair discrimination between market participants. However, Section 6(b)(5) of the Act does not prohibit exchange members or other broker-dealers from discriminating, so long as their activities are otherwise consistent with the federal securities laws. While the Exchange believes that markets and price discovery optimally function through the interactions of diverse flow types, it also believes that growth in internalization has required differentiation of Retail Order flow from other order flow types. The differentiation proposed herein by the Exchange to maintain a higher rebate for Added Displayed Retail Volume relative to the standard rebate for Added Displayed Volume (*i.e.,* non-retail orders) is not designed to permit unfair discrimination, but instead to promote a competitive process around Retail Order executions such that retail investors would continue to receive better rebates on the Exchange than comparable non-retail orders in order to encourage entry of Retail Orders to the Exchange. Accordingly, the Exchange believes the proposed increased standard rebate for executions of Added Displayed Retail Volume is equitably allocated and not unfairly discriminatory.

Increased Standard Fee for Removed Volume

The Exchange believes the proposed increased standard fee for executions of Removed Volume is reasonable, equitable and consistent with the Act because it is designed to generate additional revenue to offset some of the costs associated with the proposed increased standard rebates for executions of Added Displayed Volume and Added Displayed Retail Volume in a manner that is consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity. The Exchange further believes this proposed standard fee is reasonable and appropriate because it represents a modest increase from the current fee and remains lower than or comparable to, and competitive with, the fees charged by other exchanges for executions of orders in securities priced at or above $1.00 per share that remove liquidity.[17] The Exchange further believes that this proposed standard fee is equitably allocated and not unfairly discriminatory because it will apply equally to all Members.

Adoption of Standard Fee for Routed Removed Sub-Dollar Volume

The Exchange believes the proposed adoption of a standard fee of 0.30% of the total dollar value of executions of Routed Removed Sub-Dollar Volume is reasonable, equitable and consistent with the Act because it is designed to generate additional revenue to offset some of the costs associated with the proposed increased standard rebates for executions of Added Displayed Volume and Added Displayed Retail Volume, as well as to recoup some of the Exchange's costs associated with handling such orders, including the costs of operating the Exchange's affiliated routing broker-dealer and the applicable fees charged by the away market for removing liquidity, as the current pricing structure would require the Exchange to absorb all such costs, in a manner that is consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity. The Exchange further believes this proposed standard fee is reasonable

[14] *See e.g.,* the NYSE Arca equities trading fee schedule on its public website (available at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf*), which reflects rebates ranging from $0.0033–$0.0038 per share, depending on the applicable tier, for retail orders in securities priced at or above $1.00 per share that add displayed liquidity; the Cboe EDGX Exchange, Inc. (''Cboe EDGX'') equities trading fee schedule on its public website (available at *https://markets.cboe.com/us/equities/membership/fee_schedule/edgx/*), which reflects rebates ranging from $0.0032–$0.0037 per share, depending on the applicable tier, for retail orders in securities priced at or above $1.00 per share that add liquidity.

[15] *Id.*

[16] 15 U.S.C. 78f(b)(5).

[17] *See, e.g.,* the Cboe EDGX equities trading fee schedule on its public website (available at *https://markets.cboe.com/us/equities/membership/fee_schedule/edgx/*), which reflects a standard fee of $0.0027 per share to remove liquidity in securities priced at or above $1.00 per share; The Nasdaq Stock Market LLC (''Nasdaq'') trading fee schedule on its public website (available at *http://www.nasdaqtrader.com/trader.aspx?id=pricelisttrading2*), which reflects a standard fee of $0.0030 per share to remove liquidity in securities priced at or above $1.00 per share.

and appropriate because it is identical to the fees charged by several other exchanges for executions of orders in securities priced below $1.00 per share that are routed to and executed on an away market and that remove liquidity from the market to which they are routed.[18] The Exchange further believes that this proposed standard fee is equitably allocated and not unfairly discriminatory because it will apply equally to all Members that choose to use the Exchange's routing services.

The Exchange also notes that the proposal does not include different fees or rebates that depend on the amount of orders submitted to, and/or transactions routed or executed on or through, the Exchange or its affiliated routing broker-dealer. Accordingly, the Exchange believes the proposed pricing changes are reasonable, equitable, and non-discriminatory as such changes are applicable to all Members, regardless of the overall volume of a Member's routing or trading activities on or through the Exchange or its affiliated broker-dealer.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional order flow to the Exchange, thereby promoting market depth, enhanced execution opportunities, as well as price discovery and transparency for all Members. Furthermore, the Exchange believes that the proposed changes would allow the Exchange to continue to compete with other routing and execution venues by providing competitive pricing for transactions in Added Displayed Volume, Added Displayed Retail Volume, Removed Volume, and Routed Removed Sub-Dollar Volume, thereby making it a desirable destination venue for its customers. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [19]

Intramarket Competition

The Exchange believes that the proposed changes would continue to incentivize market participants to direct order flow to the Exchange. Greater liquidity benefits all Members by providing more trading opportunities and encourages Members to send orders to the Exchange, thereby contributing to robust levels of liquidity, which benefits all Members. The proposed fees and rebates for transactions in Added Displayed Volume, Added Displayed Retail Volume, Removed Volume, and Routed Removed Sub-Dollar Volume would be available to all similarly-situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange. As such, the Exchange believes the proposed changes would not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

The Exchange operates in a highly competitive market with respect to execution and routing services. Members have numerous alternative venues that they may participate on and direct their order flow to, including 15 other equities exchanges and numerous alternative trading systems and other off-exchange venues. As noted above, no single registered equities exchange currently has more than approximately 15% of the total market share of executed volume of equities trading. Thus, in such a low-concentrated and highly competitive market, no single equities trading venue possesses significant pricing power in the execution of order flow. Moreover, the Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Additionally, market participants can readily select between various providers of routing services with different product offerings and different pricing. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates generally, including with respect to Added Displayed Volume, Added Displayed Retail Volume, Removed Volume, and Routed Removed Sub-Dollar Volume, and market participants can readily choose to send their orders to other exchange and off-exchange venues for execution and/or routing services if they deem fee levels or product offerings at those other venues to be more favorable. As described above, the proposed changes are competitive proposals through which the Exchange is seeking to encourage certain order flow to be sent to the Exchange.

Additionally, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [20] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *SEC,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[21] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[18] *See, e.g.,* the Cboe EDGX equities trading fee schedule on its public website (available at *https://markets.cboe.com/us/equities/membership/fee_schedule/edgx/*), which reflects a standard fee of 0.30% of the total dollar value of executions of routed orders in securities priced below $1.00 per share that remove liquidity from the destination venue; the Cboe EDGA Exchange, Inc. equities trading fee schedule on its public website (available at *https://markets.cboe.com/us/equities/membership/fee_schedule/edga/*), which reflects a standard fee of 0.30% of the total dollar value of executions of routed orders in securities priced below $1.00 per share that remove liquidity from the destination venue; the Nasdaq equities trading fee schedule on its public website (available at *http://www.nasdaqtrader.com/trader.aspx?id=pricelisttrading2*), which reflects a standard fee of 0.30% of the total dollar value of executions of routed orders in securities priced below $1.00 per share that remove liquidity from the destination venue.

[19] *See supra* note 11.

[20] *Id.*

[21] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSE–2006–21)).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [22] and Rule 19b–4(f)(2) [23] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MEMX–2021–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–MEMX–2021–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MEMX–2021–02, and should be submitted on or before March 10, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–03087 Filed 2–16–21; 8:45 am]

BILLING CODE 8011–01–P

[22] 15 U.S.C. 78s(b)(3)(A)(ii).

[23] 17 CFR 240.19b–4(f)(2).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91098; File No. SR–DTC–2021–001)]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Add New Fees for DTC's Money Market Instrument Program

February 10, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 1, 2021, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by DTC. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(2) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(2).

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to amend the Guide to the DTC Fee Schedule [5] (''Fee Guide'') to add new fees within the Corporate Actions section,[6] and specifically as that section relates to the DTC's Money Market Instrument program (''MMI Program''),[7] as described in greater detail below.[8]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

The proposed rule change would amend the Fee Guide to add new fees within the Corporate Actions section,[9] and specifically as that section relates to the MMI Program, as described below.

[5] *Available at http://www.dtcc.com/~/media/Files/Downloads/legal/fee-guides/dtcfeeguide.pdf.*

[6] *See id* at 6–8.

[7] Pursuant to the Rules, the term ''MMI Program'' means the Program for transactions in MMI Securities, as provided in Rule 9(C) and as specified in the Procedures. *See* Rule 1, *supra* note 1. Pursuant to the Rules, the term ''MMI Securities'' means an Eligible Security described in the second paragraph of Section 1 of Rule 5, that would, upon a determination of eligibility by the Corporation, be assigned an Acronym by DTC. *Id.* Under the Rules, MMI Securities are processed differently than other Securities. *See* Rule 9(C), *supra* note 1; and DTC Operational Arrangements (Necessary for Securities to Become and Remain Eligible for DTC Services), at 3, *available at http://www.dtcc.com/~/media/Files/Downloads/legal/issue-eligibility/eligibility/operational-arrangements.pdf.* The Procedures applicable to settlement processing of MMI Securities are set forth in the DTC Settlement Service Guide (''Settlement Guide''), *available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Settlement.pdf.*

[8] Each capitalized term not otherwise defined herein has its respective meaning as set forth in the Rules, By-Laws and Organization Certificate of DTC (the ''Rules''), *available at http://dtcc.com/~/media/Files/Downloads/legal/rules/dtc_rules.pdf.*

[9] *See supra* note 5.

Background

The MMI Program operates using an automated platform providing MMI Issuing and Paying Agents [10] (each, an ''IPA'') with the ability to issue, service, and settle Securities that are money market instruments (''MMI Securities'') that are processed in DTC's MMI Program [11] that they introduce into the marketplace through DTC. The MMI Program is designed to provide an IPA with the capability to process all corporate action activity associated with MMI Securities without requiring manual intervention by DTC. However, from time to time, IPAs make requests for adjustments relating to MMI Securities that require manual intervention by DTC, as described below. While MMI Securities processing is fully automated, the adjustments require manual intervention by DTC, introducing settlement and operational risk to DTC and its Participants, as described below. DTC does not currently charge its Participants for these adjustments.

DTC's Rules relating to settlement processing for the MMI Program are designed, among other things, to limit settlement risk for DTC and Participants. In this regard, DTC implemented rule changes (''MMI Rule Changes'') to the MMI Program to eliminate risks associated with intra-day reversals of processed MMI obligations to prevent the possibility that a reversal could override risk controls and heighten settlement risk.[12]

When an issue is made eligible at DTC, DTC's system for processing of MMI transactions (''MMI System'') allows the IPA to create an instruction to add a CUSIP number [13] (''CUSIP'') and security-level details (*e.g.,* interest rate, maturity date, payment frequency) to DTC's masterfile.[14] In this regard, the MMI system provides an IPA with the ability to issue, inquire about, withdraw or cancel instructions for all MMI Securities for which it is the IPA.[15]

When a maturity date, call date or payable date (''Event Date'') for an MMI Security that is on deposit at DTC arrives, the event is automatically processed by the MMI System. First, the MMI System would require the IPA to acknowledge its payment obligations associated with the event.[16] Second, once the transaction is acknowledged by the IPA, the MMI System would process the related maturity, redemption or interest payment, which includes Deliveries of Securities between Participants and IPAs, as applicable, and inclusion of related funds payments in DTC's end-of-day settlement.[17]

If an IPA notifies DTC on or after an Event Date that the IPA needs to modify details that impact the processing of an event, such as changing the Event Date to a later date, modifying the event type (*e.g.,* from a principal payment to an interest payment) or a changing the rate, this presents DTC and its Participants with increased settlement and operational risk that the Rules applicable to the MMI Program have been designed to mitigate. In the case of a change in Event Date once that date has arrived, because the MMI System would have begun processing the event, effecting the change would require DTC to manually back the event out of the MMI System and change the Event Date. In cases where the transaction has been processed, this would require a reversal of the transaction, involving movement of Securities and reversals of funds credits and debits to the IPA and Participants holding the affected MMI Security, that the MMI Rule Change was intended to eliminate.[18] Any resulting reversals of funds credits to Participants whose Securities are being redeemed would create settlement risk for DTC and Participants if it is in an amount that places the Participant in a Net Debit Balance, by potentially causing affected Participants to be in a position to satisfy a Net Debit Balance it might not otherwise have incurred and that would need to be funded in order to complete settlement. Operational risk arises as well since manual intervention is required to make the reversals which introduces the possibility of a manual error by staff making the entries. Similar risks arise in the case of a modification of the event type or change in interest rate, each of which requires manual intervention by DTC to make the adjustment requested by the IPA and potential movement of Securities and/or reversal of funds credits and debits. In addition, incorrect information previously provided by an IPA that requires adjustment and related to a transaction that has been acknowledged by an IPA could present settlement risk to DTC and Participants in the event DTC was unable to make the requested adjustment on that date and the IPA was not able to meet its related obligation to make payment for the affected MMI Securities.

As a Participant, an IPA maintains a responsibility to check the accuracy, where applicable, of all statements and reports received from DTC and to notify DTC of any discrepancies.[19] DTC relies, among other things, upon the duty of Participants and other authorized users to exercise diligence in all aspects of each transaction processed through DTC.[20] IPAs receive output and have access to reports on DTC's MMI System regarding the status of their issues. Failure of Participants to correct errors and discrepancies, including those relating to data that is provided by them for MMI Securities they service, such as Event Dates, types and rates, in a timely manner may create undue settlement and operational risk to DTC and its Participants, such as those described above.

In this regard, adjustments can normally be made by an IPA during the lifecycle of the MMI Security with minimal intervention by DTC if the adjustment is made prior to an Event Date because the MMI System would

[10] Pursuant to the Rules, the term (i) ''MMI Issuing Agent'' means a Participant, acting as an issuing agent for an issuer with respect to a particular issue for MMI Securities of that issuer, that has executed such agreements as the Corporation shall require in connection with the participation of such Participant in the MMI Program in that capacity, and (ii) ''MMI Paying Agent'' means a Participant, acting as a paying agent for an issuer with respect to a particular issue of MMI Securities of that issuer, that has executed such agreements as the Corporation shall require in connection with the participation of such Participant in the MMI Program in that capacity. *See* Rule 1, *supra* note 1.

[11] Eligibility for inclusion in the MMI Program covers Securities that are money market instruments, which are short-term debt Securities that generally mature 1 to 270 days from their original issuance date. MMI Securities include, but are not limited to, commercial paper, banker's acceptances and short-term bank notes and are issued by financial institutions, large corporations, or state and local governments. Most MMI Securities trade in large denominations (typically, $250,000 to $50 million) and are purchased by institutional investors. Eligibility for inclusion in the MMI Program also covers medium term notes that mature over a longer term.

[12] See Securities Exchange Act Release No. 79764 (January 9, 2017), 82 FR 4434 (January 13, 2017) (SR–DTC–2016–008).

[13] A CUSIP number is the identification number created by the American Banking Association's Committee on Uniform Security Identification Procedures (CUSIP) to uniquely identify issuers and issues of securities and financial instruments. *See* Committee on Uniform Securities Identification Procedures, *available at https://www.aba.com/about-us/our-story/cusip-securities-identification.* *See* DTC Underwriting Service Guide (''Underwriting Guide''), *available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Underwriting-Service-Guide.pdf* at 6.

[14] *See* Underwriting Guide, *supra* note 13 at 12.

[15] *See id* at 13.

[16] *See* Settlement Guide, *supra* note 7 at 46–47.

[17] *See id* at 47.

[18] Tasks involved for DTC to make an adjustment, may include, but not be limited to, receiving the request from the Participant, determining the positions that would be impacted by the adjustment, reviewing the positions and obligations of the affected Participants, and effectuating the adjustment. Most issues for which adjustments are requested have many holders, and the processing of the adjustments causes heightened operational risk to DTC and its Participants.

[19] *See* Settlement Guide, *supra* note 7 at 2.

[20] *Id.*

not yet have begun processing the event. However, if an IPA does not act to correct the information for its issue prior to an Event Date, DTC would process the event using the existing information that was previously entered by the IPA in the MMI System.[21] Once processing on the Event Date has begun, adjustments require intervention by DTC in the form of manual entry of movements of MMI Securities and funds to effectuate the adjustments. DTC staff must perform a significant amount of work to input the adjustment and ensure it settles accurately in a timely fashion. Depending on the amount, an adjustment may have a significant effect on the amount of a Participant's net settlement balance, presenting settlement risk and settlement uncertainty to DTC and the Participant. In addition, the Participant that held an MMI for which the transaction has been processed must be contacted, and agreement by the Participant to the adjustment must be received, prior to entering the adjustment, which can extend the period of uncertainty relating to settlement of the transaction.

Considering the risks presented by the processing of adjustments relating to MMI Securities as discussed above, DTC is proposing to add new fees to the Fee Guide to encourage an IPA to implement practices that promote efficient market behavior, including meeting an IPA's obligations to reconcile its activity at DTC and ensure its accuracy in accordance with the Rules. The fees would be intended to (i) deter behavior by an IPA, such as the input of incorrect information and/or a failure to timely reconcile its MMI activity, that could result in the IPA requesting an adjustment that presents settlement and operational risk to DTC and its Participants that the MMI Rule Change was designed to eliminate, and (ii) encourage IPAs, through disincentives, to perform the necessary levels of due diligence and operational disciplines to fulfill their obligations. The proposed fees would be set on a sliding scale, categorized by three types of adjustment requests, that considers the level of settlement risk DTC believes an adjustment type presents to DTC and its Participants, as described below.

First, adjustments requiring position reinstatement to reverse a processed transaction either on Event Date or after Event Date, would cause the IPA for the affected MMI Security to incur a fee of $10,000 per CUSIP. This type of adjustment would incur the highest of the three proposed adjustment fee amounts because it involves the movement of MMI Securities positions between an IPA and Participants and the debit of funds previously credited to Participants for the redemption of the MMI Securities. This type of adjustment presents the highest level of risk as it involves the reinstatement of the full position and the debiting of the full value of an issue that was previously credited to Participants holding the issue. This type of adjustment would present a higher level of settlement risk than an adjustment of an event type, such as an interest payment, that would typically be for a percentage amount that is less than the full value of the MMI Securities outstanding for the CUSIP.

Second, events requiring the modification of the event type would cause the IPA for the affected MMI Security to incur a fee of $7,500 per CUSIP. This type of adjustment would incur the second highest fee of the three proposed adjustment fee categories because it would typically involve the movement of Securities and funds, though not for the entire outstanding amount of the issue, and therefore presents potential settlement risk to DTC and Participants, although potentially less than if a reinstatement to reverse a full redemption of a Security was required to make the requested adjustment.

Third, events requiring a rate change and possibly a manual allocation of funds relating to the corrected rate would cause the IPA for the affected issue to incur a charge of $2,000 per CUSIP. This type of adjustment would incur the lowest fee amount of the three proposed adjustment fee categories because it would involve the movement of funds, either in the form of an allocation to, or a debit from, Participants holding an MMI Security, and would not involve the movement of MMI Securities.

Proposed Rule Change

Pursuant to the proposed rule change, the following entries would be added to the Fee Guide in the Corporate Actions section [22] under the heading for ''Agent Fees'':

Fee name	Amount ($)	Conditions
MMI Position Reinstatement (Maturity Date/Call Date/Payable Date Correction)	10,000	per CUSIP.
Event Type Modification (Change of Principal to Interest)	7,500	per CUSIP.
Rate Change (Post-Payable) And Manual Allocations	2,000	per CUSIP.

Over the course of the previous two years, DTC has discussed with impacted Participants the (i) risks associated with Participants' practices with respect to MMI processing that results in their requests to make late adjustments and (ii) proposed fees. While Participants have been informed of these risks and the potential for the fee proposal, and, the requests from Participants for late adjustments have continued to an extent that DTC believes the implementation of proposed fees is necessary to encourage the Participants to adjust their practices to avoid the need for the late adjustments to their MMI activity.

Implementation Timeframe

The proposed rule change would become effective upon filing with the Commission such that the text of the Fee Guide would be revised as set forth above.

(2) Statutory Basis

DTC believes that this proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. Specifically, DTC believes that this proposal is consistent with Sections 17A(b)(3)(D) [23] and 17A(b)(3)(F) [24] of the Act and Rule 17Ad–22(e)(23)(ii),[25] as promulgated under the Act, for the reasons described below.

(i) Section 17A(b)(3)(D) of the Act requires, *inter alia,* that the Rules provide for the equitable allocation of reasonable dues, fees, and other charges among participants.[26] For the reasons set forth below, DTC believes that the

[21] The terms of an MMI Security, including maturity date, redemption dates, and interest rates are established at the time of the Securities issuance, and are entered directly by the IPA into the MMI System in connection with the issuance of the MMI Security, as described above.

[22] See Fee Guide, *supra* note 5 at 6–8.

[23] 15 U.S.C. 78q–1(b)(3)(D).

[24] 15 U.S.C. 78q–1(b)(3)(F).

[25] 17 CFR 240.17Ad–22(e)(23)(ii).

[26] 15 U.S.C. 78q–1(b)(3)(D).

proposed rule change described above would provide for the equitable allocation of reasonable dues, fees, and other charges among participants.

DTC believes that the proposed rule change to add new fees as described above under a new heading ''MMI Exception Processing Fees'' would provide for the equitable allocation of reasonable fees.[27] Each proposed fee under this heading would be charged to a Participant in accordance with the types and numbers of MMI-related adjustments requested by a Participant. In this regard, DTC believes the proposed MMI exception processing fees would be equitably allocated because each Participant that requests an adjustment relating to an MMI event that has reached its Event Date would be charged in accordance with the risk DTC believes that the Participant's exception processing request presents to DTC and its Participants, based on the proposed three categories of adjustments and respective fees, as described above. Further, DTC believes that the proposed fees would be reasonable. As discussed above, the proposed fees were designed specifically to incentivize Participants to accurately input information relating to MMI Securities and timely address any discrepancies so as to avoid the risks to DTC and Participants associated with exception processing in this regard. DTC believes that charging fees in the amounts as proposed would provide the necessary encouragement to Participants to adjust their own practices with respect to MMI processing so as to avoid (i) the risks discussed above to DTC and its Participants associated with late MMI adjustment processing and (ii) incurring the proposed fees.

(ii) Section 17A(b)(3)(F)[28] of the Act requires, *inter alia,* that the Rules provide for the prompt and accurate clearance and settlement of securities transactions by DTC. DTC believes that the proposed MMI exception processing fees, as described above, would provide for the prompt and accurate clearance and settlement of securities transactions, because DTC believes it would encourage IPAs to make timely adjustments to MMI issues they are responsible for, and avoid unexpected transactions that reverse payments and Securities movements associated with MMI transactions that are subject to an adjustment on or after the relevant Event Date, Therefore, the proposed rule change would enhance certainty for Participants with respect to their settlement obligations by allowing them to (i) allocate funds and Securities accordingly and (ii) promote their ability to satisfy their settlement obligations in a timely manner.

(iii) Rule 17Ad–22(e)(23)(ii) under the Act requires DTC to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide sufficient information to enable participants to identify and evaluate the risks, fees, and other material costs they incur by participating in DTC.[29] DTC believes that the proposed rule changes with respect to implementing MMI exception processing fees would help ensure that the pricing structure of the Fee Guide is well-defined and clear to Participants. Having a well-defined and clear Fee Guide would help Participants to better understand the fees and help provide Participants with increased predictability and certainty regarding the fees they incur in participating in DTC. In this way, DTC believes the proposed rule changes to the Fee Guide, as described above, are consistent with Rule 17Ad–22(e)(23)(ii) under the Act, cited above.

(B) Clearing Agency's Statement on Burden on Competition

Impact on Competition. DTC believes that the proposed rule change to add new fees as described above may have an impact on competition, because these proposed adjustments could result in a fee increase to Participants for the relevant service.[30] DTC believes that the proposed fees for adjustments to MMI processing requested by Participants could create a burden on competition by negatively affecting such Participants' operating costs. However, DTC believes that the burden on competition would not be significant and would be necessary and appropriate in furtherance of the purposes of the Act, as permitted by Section 17A(b)(3)(I) of the Act.[31]

Burden on Competition Would Not Be Significant. DTC believes that any burden on competition that may be imposed by the proposed fees for adjustments would be insignificant because a Participant can avoid the fee by submitting adjustments before an Event Date for a given Security.

Burden on Competition Would Be Necessary and Appropriate. DTC believes that any burden on competition that is created by the proposed fees for MMI adjustments would be necessary and appropriate in furtherance of the purposes of the Act, as permitted by Section 17A(b)(3)(I) of the Act.[32] The proposal necessary to manage the potential risks posed to the Participants relating to adjustments, as described above. The proposal is appropriate because of the size of the proposed fees are tied to the underlying risks associated with adjustment requests, as described above. Therefore, DTC believes that any burden on competition that may be imposed by the proposed rule changes would be necessary and appropriate, as permitted by Section 17A(b)(3)(I) of the Act.[33]

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to this proposed rule change have not been solicited or received. DTC will notify the Commission of any written comments received by DTC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)[34] of the Act and paragraph (f)[35] of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–DTC–2021–001 on the subject line.

Paper Comments

- Send paper comments in triplicate to Vanessa Countryman, Secretary, Securities and Exchange Commission,

[27] *Id.*

[28] 15 U.S.C. 78q–1(b)(3)(F).

[29] 17 CFR 240.17Ad–22(e)(23)(ii).

[30] 15 U.S.C. 78q–1(b)(3)(I).

[31] *Id.*

[32] 15 U.S.C. 78q–1(b)(3)(I).

[33] *Id.*

[34] 15 U.S.C 78s(b)(3)(A).

[35] 17 CFR 240.19b–4(f).

100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–DTC–2021–001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of DTC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*).

All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–DTC–2021–001 and should be submitted on or before March 10, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[36]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–03090 Filed 2–16–21; 8:45 am]

BILLING CODE 8011–01–P

[36] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91096; File No. SR–NASDAQ–2021–004]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Proposed Rule Change To Disseminate Abbreviated Order Imbalance Information, Amend Certain Cutoff Times for On-Open Orders Entered gor Participation in the Nasdaq Opening Cross and Extend the Time Period for Accepting Certain Limit On-Open Orders

February 10, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 3, 2021, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to (i) disseminate abbreviated order imbalance information prior to the dissemination of the Order Imbalance Indicator, (ii) amend certain cutoff times for on-open orders entered for participation in the Nasdaq Opening Cross and (iii) extend the time period for accepting certain Limit On Open Orders.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In July 2017 the Exchange enhanced the Nasdaq Closing Cross (''Closing Cross'') process by allowing customers to enter Limit-On-Close (''LOC'') orders after the first Net Order Imbalance Indicator is disseminated.[3] These enhancements were designed to encourage greater participation and interaction opportunities within the Nasdaq Closing Cross process and support stability in the price discovery process. In March 2019, the Exchange continued to further improve price discovery in the Nasdaq Closing Cross process by creating an Early Order Imbalance Indicator (''EOII'') comprised of certain Net Order Imbalance Indicator (''NOII'') information that would disseminate ten minutes prior to the market close.[4] In conjunction with the adoption of an EOII, in August 2019, the Exchange also expanded the order entry submission time for LOC orders to allow entries after 3:55 p.m. Eastern Time (all times noted hereafter are Eastern Time) and established a second reference price for late LOC orders.[5] The Exchange did not receive public comments regarding any of its enhancements to the Closing Cross process. Given the improvements in stability and the price discovery process of the Closing Cross, the Exchange is proposing similar changes to the Nasdaq Opening Cross (''Opening Cross'').[6]

The Opening Cross is Nasdaq's process for matching orders at the launch of regular trading hours and is open to all System Securities.[7] The Opening Cross was designed to create a robust open that allows for efficient price discovery through a transparent automated auction process. Currently, beginning at 4:00 a.m. ET, Nasdaq

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 81188 (July 21, 2017), 82 FR 35014 (July 27, 2017) (NASDAQ–2017–061); *see also* Securities Exchange Act Release No. 81556 (September 8, 2017), 82 FR 43264 (September 14, 2017) (NASDAQ–2017–061).

[4] *See* Securities Exchange Act Release No. 85292 (March 12, 2019), 84 FR 9848 (March 18, 2019) (NASDAQ–2019–010).

[5] *See* Securities Exchange Act Release No. 86642 (August 13, 2019), 84 FR 42964 (August 19, 2019) (NASDAQ–2019–064).

[6] *See* Equity 4, Rule 4752.

[7] The term ''System Securities'' shall mean (1) all securities listed on Nasdaq and (2) all securities subject to the Consolidated Tape Association Plan and the Consolidated Quotation Plan except securities specifically excluded from trading via a list of excluded securities posted on *www.nasdaqtrader.com.* Equity 1, Section 1.

accepts Market On Open (''MOO'') Orders [8] and Limit On Open (''LOO'') Orders [9] executable for the Opening Cross until immediately prior to 9:28 a.m. Nasdaq also begins accepting Opening Imbalance Only (''OIO'') Orders [10] for the Opening Cross beginning at 4:00 a.m. until the time of execution of the Opening Cross. At 9:28 a.m., Nasdaq begins to disseminate by electronic means an Order Imbalance Indicator (also known as the ''Net Order Imbalance Indicator'' or ''NOII'') every second until market open.[11] Nasdaq initiates an Opening Cross in all System Securities for which there are orders that will execute against contra-side orders at 9:30 a.m., at which time the opening book and the Nasdaq continuous book are brought together to create single Nasdaq opening prices for System Securities.

Nasdaq is proposing to (i) establish an Early Order Imbalance Indicator (''EOII'') for the Opening Cross, (ii) amend certain cutoff times for on-open orders entered for participation in the Opening Cross and (iii) extend the time period for accepting certain LOOs, as discussed in further detail below.

Establishment of an EOII

Currently, Nasdaq provides transparency into its Opening Cross auction via the NOII. The NOII is a message disseminated by electronic means containing information about MOO orders, LOO orders, OIO orders, and Early Market Hours Orders [12] and information about the price at which those orders would execute at the time of dissemination.[13] MOO, LOO and OIO orders are on-open order types that are executable only during the Opening Cross. Specifically, the NOII consists of: (1) The Current Reference Price; [14] (2) the number of shares represented by MOO, LOO, OIO, and Early Market Hours that are paired at the Current Reference Price; (3) the size of any Imbalance; [15] (4) the buy/sell direction of any Imbalance; and (5) the indicative prices [16] at which the Nasdaq Opening Cross would occur if the Nasdaq Opening Cross were to occur at that time and the percent by which the indicative prices are outside the then current Nasdaq Market Center best bid or best offer, whichever is closer.[17] The NOII is useful because it helps participants to identify at what price and size the Opening Cross will commence, as well as the number of shares required to offset any order imbalances to optimize an auction.

Nasdaq is proposing new Equity 4, Rule 4752(a)(1) and Equity 4, Rule 4752(d)(1) to establish an EOII that would commence disseminating information at 9:25 a.m. until the NOII begins to disseminate at 9:28 a.m. The proposed EOII data will comprise of (1) the Current Reference Price, (2) the number of shares represented by MOO, LOO OIO and Early Market Hours orders that are paired at the Current Reference price, (3) any imbalance size, and (4) any imbalance direction. The Exchange is also proposing to disseminate the EOII data every 10 seconds.

The Exchange believes that an early release of a subset of the NOII data would offer participants additional time and flexibility to react to imbalance information in advance of the 9:28 a.m. Opening Cross cutoff time (the ''Cutoff'') and aid them in making informed decisions about whether and how to participate in the Opening Cross. In other words, early dissemination of the Current Reference Price, the number of paired shares at that price, any imbalance size, and any imbalance direction would help participants to make informed decisions as to whether, how, and at what prices they may interact with other orders in the Opening Cross. For example, if Nasdaq released an EOII indicating that a buy imbalance exists for a particular symbol, a participant could act on that information in advance of the Opening Cross Cutoff time to offset the imbalance with the full suite of Nasdaq on-open order options, while also providing additional liquidity in the Opening Cross. In addition, participants may continue to enter certain LOO and OIO orders after 9:28 a.m. ET, which allows participants to consider information in the EOII in making informed decisions about whether and how to participate in the Opening Cross. Nasdaq believes the EOII will also enhance price discovery and liquidity by attracting more participants to the Nasdaq Opening Cross, which establishes the Nasdaq Official Opening Price for a security. However, the Exchange believes that an early release of the NOII should exclude indicative prices, including Near and Far Clearing Prices.[18] Because participants may freely enter new orders that contribute to price discovery prior to the Opening Cross Cutoff, indicative prices may change more substantially than after the Cutoff. Nasdaq believes that the exclusion of the Near and Far Clearing Prices will enhance stability in the Opening Cross process because it will reduce the possibility of large indicative price movements during the early moments of the price formation

[8] A ''Market On Open Order'' or ''MOO Order'' is an Order Type entered without a price that may be executed only during the Opening Cross. Subject to certain qualifications, MOO Orders may be entered, cancelled, and/or modified between 4 a.m. ET and immediately prior to 9:28 a.m. ET. An MOO Order may not be cancelled or modified at or after 9:28 a.m. ET. An MOO Order shall execute only at the price determined by the Opening Cross. *See* Equity 4, Rule 4702(b)(8)(A).

[9] A ''Limit On Open Order'' is an Order Type entered with a price that may be executed only in the Opening Cross, and only if the price determined by the Opening Cross is equal to or better than the price at which the LOO Order was entered. Subject to certain qualifications, LOO Orders may be entered, cancelled, and/or modified between 4 a.m. ET and immediately prior to 9:28 a.m. ET. *See* Equity 4, Rule 4702(b)(9)(A).

[10] An ''Opening Imbalance Only Order'' or ''OIO Order'' is an Order Type entered with a price that may be executed only in the Opening Cross and only against MOO Orders, LOO Orders, or Early Market Hours Orders (as defined in Equity 4, Rule 4752). OIO Orders may be entered between 4:00 a.m. ET until the time of execution of the Opening Cross, but may not be cancelled or modified at or after 9:28 a.m. ET. If the entered price of an OIO Order to buy (sell) is higher than (lower than) the highest bid (lowest offer) on the Nasdaq Book, the price of the OIO Order will be modified repeatedly to equal the highest bid (lowest offer) on the Nasdaq Book; provided, however, that the price of the Order will not be moved beyond its stated limit price. *See* Equity 4, Rule 4702(b)(10)(A).

[11] *See* Equity 4, Rule 4752(d)(1).

[12] Market Hours Orders shall be designated as ''Early Market Hours Orders'' if entered into the system prior to 9:28 a.m. and shall be treated as MOO and LOO, as appropriate, for the purposes of the Opening Cross. *See* Equity 4, Rule 4752(a)(7).

[13] *See* Equity 4, Rule 4752(a)(2).

[14] Pursuant to Equity 4, Rule 4752(a)(2), the ''Current Reference Price'' means the following: (i) The single price that is at or within the current Nasdaq Market Center best bid and offer at which the maximum number of shares of MOO, LOO, OIO, and Early Market Hours orders can be paired; (ii) if more than one price exists under (i), the Current Reference Price shall mean the price that minimizes any Imbalance; (iii)) if more than one price exists under (ii), the Current Reference Price shall mean the entered price at which shares will remain unexecuted in the cross; and (iv) if more than one price exists under (iii), the Current Reference Price shall mean the price that minimizes the distance from the bid-ask midpoint of the inside quotation prevailing at the time of the order imbalance indicator dissemination.

[15] An ''Imbalance shall mean the number of shares of buy or sell MOO, LOO or Early Market Hours orders that may not be matched with other MOO, LOO, Early Market Hours, or OIO order shares at a particular price at any given time. *See* Equity 4, Rule 4752(a)(2).

[16] The indicative prices shall be the Near Clearing Price and Far Clearing Price (as defined in footnote 18 below). If marketable shares would remain unexecuted above or below the Near Clearing Price or Far Clearing Price, Nasdaq shall disseminate an indicator for ''market buy'' or ''market sell''.

[17] *See* Equity 4, Rule 4752(a)(2).

[18] ''Near Clearing Price'' shall mean the price at which both the MOO, LOO, OIO, and Early Market Hours orders and Open Eligible Interest in the Nasdaq Market Center would execute. *See* Equity 4, Rule 4752(a)(2)(E)(i). ''Far Clearing Price'' shall mean the price at which the MOO, LOO, OIO, and Early Market Hours orders in the Nasdaq Opening Book would execute. *See* Equity 4, Rule 4752(a)(2)(E)(ii).

process.[19] Additionally, the Exchange believes disseminating the EOII data every 10 seconds provides participants more time to digest the information and enter MOO, LOO and OIO orders in between dissemination periods. Whereas after the Opening Cross Cutoff, participants face order restrictions and time pressures that render more frequent refreshes of the NOII critical to guiding their decisions, such order restrictions and time pressures do not exist, or are less acute, prior to the Opening Cross Cutoff.

Establishment of the EOII will not affect the Cutoff for entering MOO or LOO orders.[20] However, a participant may no longer cancel or modify an MOO, LOO or OIO order once the Exchange commences dissemination of the EOII. Therefore, the Exchange is proposing to amend the time period for cancelling or modifying MOO, LOO or OIO orders from 9:28 a.m. to 9:25 a.m.

Change to LOO Orders

Currently, pursuant to Equity 4, Rule 4702(b)(9)(A), LOO orders may be executed only in the Opening Cross, and only if the price determined by the Opening Cross is equal to or better than the price at which the LOO Order was entered. Subject to certain qualifications, LOO orders may be entered, cancelled, and/or modified between 4 a.m. and immediately prior to commencement of the NOII dissemination at 9:28 a.m.[21]

The Exchange is proposing to establish a First Opening Reference Price and a Second Opening Reference Price through Equity 4, Rules 4753(a)(8) and (9), respectively. The First Opening Reference Price shall mean the previous day's Nasdaq Official Closing Price of the security for Nasdaq-listed securities or the consolidated closing price to cover non-Nasdaq-listed securities. For new Exchange Traded Products that do not have a Nasdaq Official Closing Price or a consolidated closing price, the First Opening Reference Price will be the offering price. The Exchange is using the Nasdaq Official Closing Price as the First Opening Reference Price because the Nasdaq Official Closing price is a well-defined benchmark for the security's market price that serves as the most relevant price of a security at or before Regular Trading Hours. The Second Opening Reference Price shall mean the Current Reference Price in the Order Imbalance Indicator disseminated at 9:28 a.m. ET. The Exchange is proposing to use the Current Reference Price in the NOII disseminated at 9:28 a.m. as the Second Opening Reference Price because it is consistent with the Exchange's functionality with respect to the Closing Cross and Late Limit On Close Orders, and is intended to promote price stability of the Opening Cross.

Additionally, the Exchange is proposing to revise Equity 4, Rule 4702(b)(9)(A) to permit the entry of LOO orders until 9:29:30 a.m., provided that the security has a First Opening Reference Price or a Second Opening Reference Price. The Exchange also proposes to reject any LOO Orders entered after 9:29:30 a.m. ET that is designated as an IOC. The proposed rule would also prevent an LOO Order from being cancelled or modified at or after 9:25 a.m. However, the Exchange believes that allowing the entry of eligible LOO Orders after the Opening Cross Cutoff will enhance the price discovery and liquidity of a security in the Opening Cross, which establishes the Nasdaq Official Opening Price for a security. Also, the Exchange is proposing that an LOO Order entered between 9:28 a.m. ET and 9:29:30 a.m. ET would be accepted at its limit price, unless its limit price is higher (lower) than the higher (lower) of the First Opening Reference Price and the Second Opening Reference Price for an LOO Order to buy (sell), in which case the LOO Order would be handled consistent with the participant's instruction that the LOO Order is to be: (1) Rejected; or (2) re-priced to the higher (lower) of the First Opening Reference Price and the Second Opening Reference Price, provided that if either the First Opening Reference Price or the Second Opening Reference Price is not at a permissible minimum increment, the First Opening Reference Price or the Second Opening Reference Price, as applicable, will be rounded (i) to the nearest permitted minimum increment (with midpoint prices being rounded up) if there is no imbalance, (ii) up if there is a buy imbalance, or (iii) down if there is a sell imbalance.[22] The default configuration for participants that do not specify otherwise will be to have such LOO Orders re-priced rather than rejected. The Exchange believes that the repricing of LOO orders entered after the Opening Cross Cutoff is designed to reduce order imbalances and volatility for securities that participate in the Opening Cross.

The Exchange believes that allowing Late LOO orders to be priced at the more aggressive of the two reference prices will provide flexibility to market participants by allowing participants to consider information in both the EOII and NOII within the context of the previous day's Nasdaq Official Closing Price or consolidated closing price to facilitate informed decisions about whether and how to participate in the Opening Cross.

Additional Conforming and Non-Substantive Changes

The Exchange is proposing to amend Equity 4, Rule 4702(b)(9)(B) to clarify that an Opening Cross/Market Hours Order, with a Time-in-Force [23] other than Immediate or Cancel,[24] entered between 9:29:30 a.m.[25] and the time of the Nasdaq Opening Cross, (i) held and entered into the System after the completion of the Nasdaq Opening Cross if it has been assigned a Pegging Attribute or Routing Attribute, (ii) treated as an Opening Imbalance Only Order and entered into the System after the completion of the Nasdaq Opening Cross if entered through RASH, QIX, or FIX but not assigned a Pegging Attribute or Routing Attribute, or (iii) treated as

[19] The Exchange is including the Current Reference Price as it represents the Nasdaq best bid and best offer at the time of dissemination and is used to calculate any imbalance direction and imbalance size. Providing this information in the EOII data increases the transparency of the information and will allow participants to provide additional orders to improve the price discovery process in the opening auction.

[20] However, as discussed below, the Exchange is separately proposing to allow late LOO Orders to be entered after 9:28 a.m. Moreover, unlike MOO and LOO Orders, OIO Orders may be entered until the time of execution of the Opening Cross. *See* Equity 4, Rule 4702(b)(10)(A).

[21] As indicated throughout this filing, Market Hours Orders entered between 9:28 a.m. and 9:29:30 a.m. will be treated as late LOO orders, if applicable and rejected as MOO orders, if applicable.

[22] The Exchange proposes to use natural rounding when there is no imbalance. When there is an imbalance the Exchange will round such that more offsetting interest can participate. Thus, where there is a buy imbalance the Exchange will round the First Opening Reference Price or Second Opening Reference Price up to allow more sell interest to participate, and when there is a sell imbalance the Exchange will round the First Opening Reference Price or Second Opening Reference Price down to allow more buy interest to participate. For example, if there is a sell imbalance, a First Opening Reference Price of $10.015 would be rounded down to $10.01. Re-pricing based on a price of $10.01 would allow additional buy orders to offset the sell imbalance at that price when they may be excluded at a price of $10.02.

[23] The ''Time-in-Force'' assigned to an Order means the period of time that the Nasdaq Market Center will hold the Order for potential execution. Participants specify an Order's Time-in-Force by designating a time at which the Order will become active and a time at which the Order will cease to be active. *See* Equity 4, Rule 4703(a).

[24] By definition, Opening Cross/Market Hours Orders have a Time-In-Force other than IOC, therefore, this is a clarifying, non-substantive change.

[25] The Exchange is proposing to replace 9:28 a.m. with 9:29:30 a.m. as a conforming change because as discussed above, the Exchange is proposing to allow LOO orders to be entered until 9:29:30 a.m.

an Opening Imbalance Only Order and cancelled after the Nasdaq Opening Cross if entered through OUCH or FLITE. An Opening Cross/Market Hours Order entered through RASH or FIX after the time of the Nasdaq Opening Cross will be accepted but the Nasdaq Opening Cross flag will be ignored.[26] The Exchange is also removing language from Equity 4, Rule 4702(b)(9)(B) explaining that a Routable Order flagged to participate in the Nasdaq Opening Cross with a Time-in-Force other than IOC and entered at or after 9:28 a.m. will be held and entered into the System after the Nasdaq Opening Cross. The Exchange believes that this language is duplicative to language already discussed in Equity 4, Rule 4702(b)(9)(B) and is therefore, proposing to remove the language. The Exchange is also proposing to exclude LOO Orders from being rejected and to add that certain LOO Orders will not be rejected if entered after 9:28 a.m. This proposed change conforms with the proposed change to allow LOO orders to be entered until 9:29:30 a.m.

Additionally, the Exchange is proposing to renumber certain provisions of Equity 4, Rule 4752 to conform with the new definitions added to the section. Finally, the Exchange is making a non-substantive change to the Market Hours Orders definition in Equity 4, Rule 4752(a)(7) to use the defined terms throughout the Exchange's rulebook. The Exchange is also making a conforming change to Equity 4, Rule 4752(a)(7) to indicate that Market Hours Orders entered into the System at 9:29:30 a.m. ET [27] or after with an Time-in-Force other than an IOC shall be designated as ''Late Market Hours Orders.'' The Exchange is also making a conforming change to that rule to indicate that beginning at 9:25 a.m., requests to cancel or modify Market Hours Orders will be suspended until after completion of the Opening Cross at which time such requests shall be processed, to the extent that such orders remain available within the System.

Lastly, the Exchange is abbreviating the terms ''market-on-open'' and ''limit-on-open'' to conform with terms used in Rule 4752.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[28] in general, and furthers the objectives of Section 6(b)(5) of the Act,[29] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. As the equities markets continue to evolve and become more efficient and automated, the Exchange believes that in some ways the current on-open order entry process is restrictive to market participants that wish to participate in the Nasdaq Opening Cross. Similar to the changes made to the closing auction,[30] the Exchange believes that the proposed changes will give participants additional methods of contributing to price discovery while still allowing participants to react to and offset Imbalances.

In particular, the proposal to establish the EOII will provide participants with additional information for price discovery, which increases market transparency and the price discovery process of the Opening Cross to the benefit of members and investors that participate in the Opening Cross. Furthermore, limiting the EOII data is reasonable because as discussed above, it will reduce the possibility of large indicative price movements during the early moments of the price formation process. The EOII will also enhance the price discovery and liquidity of a security by providing additional time and flexibility for participants to react to imbalance information and therefore increasing the number of participants in the Nasdaq Opening Cross, which establishes the Nasdaq Official Opening Price for a security. Additionally, the Exchange believes that disseminating the EOII at 10 second intervals is reasonable because it strikes the right balance between conveying material changes in imbalance information prior to the Opening Cross Cutoff time and avoiding excessive messaging traffic. Furthermore, the Exchange has established a similar EOII for the Closing Cross.

The Exchange also believes that it is reasonable to prohibit cancellation or modification of MOO, LOO and OIO orders, while allowing the entry of these orders, after 9:25 a.m. in order to enhance stability in the Opening Cross process by reducing the possibility of large indicative price movements due to participants cancelling or modifying orders in reaction to the EOII. The Exchange has established similar prohibitions for its Closing Cross process.

Additionally, extending the time for members to submit LOO orders will increase participation in the Opening Cross as well as allow participants to retain control over their orders for a longer period of time, thereby assisting those market participants in managing their trading at the open. Moreover, repricing eligible LOO Orders entered after the 9:28 a.m. cutoff time is reasonable and equitable because repricing is designed to enhance price discovery and stability while reducing order imbalances by allowing more price forming orders that are priced no more aggressively than the First and Second Opening Reference Prices to offset imbalances and to participate in the Opening Cross.

Moreover, the Exchange believes it is reasonable to clarify in Equity 4, Rule 4702(b)(9)(B) that the treatment of an Opening Cross/Market Hours Order that has a Time-in-Force other than IOC and is entered between 9:29:30 a.m. and the commencement of the Opening Cross, in addition to clarifying that certain LOO Orders will not be rejected after 9:28 a.m., because these are conforming changes.[31] The changes to the Market Hours Orders in Equity 4, Rule 4752(a)(7) are also conforming changes to the proposed change of allowing the entry of Late LOO Orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposed rule change is evidence of the competitive forces in the equities markets insofar as the establishment of the EOII is designed to render the Opening Cross more transparent and flexible, as well as more attractive to participants. Additionally, the proposed EOII and the extended time period to enter LOO Orders will be equally available to all participants. Moreover, the proposed changes will equally affect all participants using MOO, LOO and OIO orders.

[26] The Nasdaq Book is a montage for quotes and orders that collects and ranks all quotes and orders submitted by Participants. Equity 4, Rule 4701(a)(1).

[27] This time is a proposed update from the previous time of 9:28 a.m.

[28] 15 U.S.C. 78f(b).

[29] 15 U.S.C. 78f(b)(5).

[30] *See supra* n. 4–5.

[31] The Exchange is also proposing to delete language in Equity 4, Rule 4702(b)(9)(B) stating that ''[a] Routable Order flagged to participate in the Nasdaq Opening Cross with a Time-in-Force other than IOC and entered at or after 9:28 a.m. will be held and entered into the System after the Nasdaq Opening Cross'' because this language is duplicative to similar language in the same Rule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2021–004 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2021–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2021–004, and should be submitted on or before March 10, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–03089 Filed 2–16–21; 8:45 am]

BILLING CODE 8011–01–P

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34194; 812–15162]

Blue Tractor ETF Trust and Blue Tractor Group, LLC

February 10, 2021.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application to amend a prior order for exemptive relief.

SUMMARY OF APPLICATION: Applicants request an order (''Amended Order'') that would amend a prior order to permit the Funds, as defined below, to use Creation Baskets (as defined below) that include instruments that are not included, or are included with different weightings, in the Fund's Dynamic SSR Portfolio (as defined below).

APPLICANTS: Blue Tractor ETF Trust and Blue Tractor Group, LLC.

FILING DATES: The application was filed on September 18, 2020, and amended on January 19, 2021.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving Applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on March 8, 2021 and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Investment Company Act of 1940 (''Act''), hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing to the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: *MMundt@stradley.com.*

FOR FURTHER INFORMATION CONTACT: Marc Mehrespand, Senior Counsel; Trace W. Rakestraw, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

I. Introduction

1. On December 10, 2019, the Commission issued an order (''Prior Order'') [1] under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act.[2] The Prior Order permitted Applicants to introduce a novel type of actively-managed

[1] *See* Blue Tractor ETF Trust and Blue Tractor Group, LLC, Investment Company Act Release No. 33682 (Nov. 14, 2019) (notice) and Investment Company Act Release No. 33710 (Dec. 10, 2019) (order). Except as specifically noted in the application, all representations and conditions contained in the application previously submitted with the Commission (File No. 812–14625), as amended and restated, and filed with the Commission on October 23, 2019 (the ''Prior Application'') remain applicable to the operation of the Funds and will apply to any Funds relying on the Amended Order.

[2] The relief granted in the Prior Order under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the 1940 Act (the ''Section 12(d)(1) Relief''), and relief under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act relating to the Section 12(d)(1) Relief, will expire one year from the effective date of rule 12d1–4. *See* Fund of Funds Arrangements, Investment Company Act Rel. No. 10871 (Oct. 7, 2020), at III.

exchange-traded fund (''ETF'') that is not required to disclose its full portfolio holdings on a daily basis (each, a ''Fund''). Rather, pursuant to the Prior Order, each Business Day [3] a Fund publishes a basket of securities and cash that, while different from the Fund's portfolio, is designed to closely track its daily performance (the ''Dynamic SSR Portfolio'').

2. Pursuant to the Prior Order, a Fund sells and redeems its shares (''Shares'') only in Creation Units and generally on an in-kind basis. Purchasers are required to purchase Creation Units by making a deposit of Deposit Instruments and shareholders redeeming their Shares receive a transfer of Redemption Instruments.[4] Under the Prior Order, the names and quantities of the instruments that constitute the Deposit Instruments and the Redemption Instruments for a Fund (collectively, the ''Creation Basket'') are the same as the Fund's Dynamic SSR Portfolio, except to the extent purchases and redemptions are made entirely or in part on a cash basis.

3. Applicants now seek to amend the Prior Order to, in effect, give the Funds the same flexibility with respect to Creation Basket composition as afforded to ETFs relying on rule 6c–11.[5] More specifically, Applicants have requested that the Funds be allowed to use Creation Baskets that include instruments that are not included, or are included with different weightings, in the Fund's Dynamic SSR Portfolio.

II. The Application

A. Applicants' Proposal

4. Upon amending the Prior Order, the names and quantities of the instruments that may constitute a Creation Basket will generally be the same as the Fund's Dynamic SSR Portfolio, but a Fund may accept Creation Baskets that differ from the Dynamic SSR Portfolio. Each Business Day, before the open of trading on the Exchange where a Fund is listed, the Fund will publish on its website the composition of any Creation Basket exchanged with an authorized participant on the previous Business Day that differed from such Business Day's Dynamic SSR Portfolio other than with respect to cash.

5. Applicants represent that, for portfolio management or other reasons, the Funds may determine that it is desirable to use Creation Baskets that differ from the Dynamic SSR Portfolio (beyond cash substitutions). For example, a Fund may want to use a Creation Basket that contains instruments that are not included in a Fund's Dynamic SSR Portfolio if the Adviser or Sub-Adviser seeks to add an instrument to the Fund's Actual Portfolio) without incurring transaction costs associated with the purchase of the instrument for cash. Similarly, if the Adviser or Sub-Adviser decides to sell an instrument from a Fund's Actual Portfolio, the instrument may be included in a Creation Basket with the expectation that the Fund will deliver it in-kind during a redemption transaction.

6. The Funds will use the requested basket flexibility only in circumstances under which Applicants believe there will be no harm to the Funds or their shareholders, and in order to benefit the Funds and their shareholders by reducing costs, increasing efficiency and improving trading.

7. Pursuant to condition A.10 herein, each Fund will adopt and implement written policies and procedures regarding the construction of its Creation Baskets in accordance with rule 6c–11 under the Act. For purposes of the requirement to comply with the policies and procedures provision in rule 6c–11, only Creation Baskets that differ from a Fund's Dynamic SSR Portfolio will be treated as a ''custom basket'' under rule 6c–11(c)(3).

8. Furthermore, pursuant to condition A.9 herein, each Fund will comply with the recordkeeping requirements of rule 6c–11.[6] For purposes of the requirement to comply with the recordkeeping provision in rule 6c–11, only Creation Baskets different from a Fund's Dynamic SSR Portfolio will be treated as a ''custom basket'' under rule 6c–11(d)(2)(ii).

B. Considerations Relating to the Requested Relief

9. Applicants represent that the ability to utilize a Creation Basket that includes instruments that are not included, or are included with different weightings, in a Fund's Dynamic SSR Portfolio, or are included in different weightings, does not raise any new policy concerns about reverse engineering of a Fund's portfolio, self-dealing or overreaching, or selective disclosure beyond those concerns addressed in connection with the Prior Order.

10. *Reverse Engineering.* Applicants acknowledge that, by using a Creation Basket that includes instruments that are not included in a Fund's Dynamic SSR Portfolio, or are included in different percentages, and by publishing such Creation Basket on its website, the Fund would provide market participants with additional information about which instruments it adds or removes from the Fund's Actual Portfolio. However, Applicants represent that they will operate the Funds in a manner designed to minimize the risk of reverse engineering and, for the reasons set forth in the application, believe successful front-running or free-riding is highly unlikely.

11. *Self-Dealing or Overreaching.* Applicants state that authorized participants and other market participants will not have the ability to disadvantage the Funds by manipulating or influencing the composition of Creation Baskets, including those that differ from the Dynamic SSR Portfolio. Like the basket and custom basket policies and procedures required of ETFs by rule 6c–11, the Funds will adopt and implement written policies and procedures that govern the construction of Creation Baskets and the process that will be used for the acceptance of Creation Baskets to safeguard the best interests of the Funds and their shareholders.[7]

12. *Selective Disclosure.* The Funds and each person acting on behalf of the Funds will continue to be required to comply with Regulation Fair Disclosure as if it applied to them (except that the exemptions provided in rule 100(b)(2)(iii) therein shall not apply). Applicants believe that the new Creation Basket flexibility being sought by the Applicants does not raise any new concerns about selective disclosure of non-public material information. First, a Fund's use of, or conversations with authorized participants about, Creation Baskets that would result in such disclosure would effectively be limited by the Funds' obligation to comply with Regulation Fair Disclosure. Second, as noted above, each Business Day, before the open of trading on the

[3] All capitalized terms not otherwise defined in this notice have the meanings ascribed to them in the Prior Application.

[4] Deposit Instruments and Redemption Instruments may include cash and/or securities.

[5] The Funds are not be able to operate in reliance on rule 6c–11 because they do not disclose their full portfolio holdings on a daily basis as required by the rule. *See* rule 6c–11(c)(1)(i) (requiring an ETF to disclose prominently on its website, publicly available and free of charge, the portfolio holdings that will form the basis for each calculation of NAV per share).

[6] Pursuant to condition A.9, each Fund will also maintain and preserve a copy of the Dynamic SSR Portfolio published on the Fund's website for each Business Day and a copy of each Creation Basket made available.

[7] *See* Exchange-Traded Funds, Investment Company Act Release No. 33646 (Sept. 25, 2019) (''ETF Adopting Release''), at 80–94 (discussion of rule 6c–11 requirement for ETF policies and procedures concerning basket construction and acceptance and heightened policies and procedures for custom baskets).

Exchange where a Fund is listed, the Fund will publish on its website the composition of any basket accepted by the Fund on the previous Business Day that differed from such Business Day's Dynamic SSR Portfolio other than with respect to cash.

III. Requested Exemptive Relief

For the reasons stated above, Applicants believe that the Prior Order, as amended, continues to meet the relevant standards for relief pursuant to section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act.[8]

IV. Applicants' Conditions

Applicants agree that the Amended Order granting the requested relief will be subject to all of the conditions in the Prior Order, except that condition A.9 of the Prior Order is deleted in its entirety and replaced with the conditions A.9 and A.10 as follows:

9. Each Fund will comply with the recordkeeping requirements of rule 6c–11 under the Act, as amended, except that for purposes of this condition, only Creation Baskets different from the Fund's Dynamic SSR Portfolio will be treated as a ''custom basket'' under rule 6c–11(d)(2)(ii). In addition, each Fund will maintain and preserve, for a period of not less than five years, in an easily accessible place, (i) a copy of the Dynamic SSR Portfolio published on the Fund's website for each Business Day; and (ii) a copy of each Creation Basket made available.

10. Each Fund will adopt and implement written policies and procedures that govern the construction of Creation Baskets, as required under rule 6c–11(c)(3) under the Act, as amended, except that for purposes of this condition, only Creation Baskets different from the Fund's Dynamic SSR Portfolio will be treated as a ''Custom Basket''. The Fund's basket policies and procedures will be covered by the Fund's compliance program and other requirements under rule 38a–1 under the Act, as amended.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–03086 Filed 2–16–21; 8:45 am]

BILLING CODE 8011–01–P

[8] *See supra* note 2.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91095; File No. SR–NYSE–2020–89]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Rule 7.35C

February 10, 2021.

I. Introduction

On October 23, 2020, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Rule 7.35C (Exchange-Facilitated Auctions) to (1) provide the Exchange authority to facilitate a Trading Halt Auction if a security has not reopened by 3:30 p.m. following a MWCB Halt; (2) widen the Auction Collar for an Exchange-facilitated Trading Halt Auction following an MWCB Halt; (3) provide that certain DMM Interest would not be canceled following an Exchange-facilitated Auction; and (4) change the Auction Reference Price for Exchange-facilitated Core Open Auctions.

The proposed rule change was published for comment in the **Federal Register** on November 12, 2020.[3] On December 18, 2020, the Commission extended the time period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change, to February 10, 2020.[4] On February 5, 2020, the Exchange filed Amendment No. 1 to the proposed rule change.[5] The Commission has received no comments on the proposed rule change.

The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons and is instituting proceedings under Section 19(b)(2)(B) of the Act to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, as Modified by Amendment No. 1

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.35C (Exchange-Facilitated Auctions) to (1) provide the Exchange authority to facilitate a Trading Halt Auction[6] if a security has not reopened following a Level 1 or Level 2 trading halt due to extraordinary market volatility under Rule 7.12 (''MWCB Halt'') by 3:30 p.m.; (2) widen the Auction Collar for an Exchange-facilitated Trading Halt Auction following a MWCB Halt; and (3) provide that certain DMM Interest[7] would not be cancelled following an Exchange-facilitated Auction.[8]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90363 (Nov. 5, 2020), 85 FR 71964 (Nov. 12 2020) (''Notice'').

[4] *See* Securities Exchange Act Release No. 90726 (Dec. 20, 2020), 85 FR 84431 (Dec. 28, 2020).

[5] In Amendment No. 1, the Exchange removed one of the proposed changes from the original proposal. Specifically, the Exchange removed the proposed change to adopt a new definition of Auction Reference Price for exchange-facilitated Core Open Auctions and to amend the temporary rule related to such auctions set forth in Commentary .04 to Rule 7.35C. This aspect of the original proposal is now the subject of a separate proposed rule change filed by the Exchange on February 8, 2021 (SR–NYSE–2021–13).

[6] As defined in Rule 7.35(a)(1), an ''Auction'' refers to the process for opening, reopening, or closing of trading of Auction-Eligible Securities on the Exchange, which can result in either a trade or a quote.

[7] For purposes of Auctions, the term ''DMM Interest'' is defined in Rule 7.35(a)(8) to mean all buy and sell interest entered by a DMM unit in its assigned securities and includes: ''DMM Auction Liquidity,'' which is non-displayed buy and sell interest that is designated for an Auction only (see Rule 7.35(a)(8)(A)); ''DMM Orders'' which are orders, as defined under Rule 7.31, entered by a DMM unit (see Rule 7.35(a)(8)(B)); and ''DMM After-Auction Orders,'' which are orders entered by a DMM unit before either the Core Open Auction or Trading Halt Auction that do not participate in an Auction and are intended instead to maintain price continuity with reasonable depth following an Auction (see Rule 7.35(a)(8)(C)).

[8] In this Amendment No. 1, the Exchange is removing its proposed change to Rule 7.35C(b)(1)

These proposed changes are currently in place on a temporary basis, as described in Commentaries .01–.03 to Rule 7.35C.

Background

To slow the spread of COVID–19 through social-distancing measures, on March 18, 2020, the CEO of the Exchange made a determination under Rule 7.1(c)(3) that, beginning March 23, 2020, the Trading Floor facilities located at 11 Wall Street in New York City would close and the Exchange would move, on a temporary basis, to fully electronic trading.[9] On May 14, 2020, the CEO of the Exchange made a determination under Rule 7.1(c)(3) to reopen the Trading Floor on a limited basis on May 26, 2020 to a subset of Floor brokers, subject to safety measures designed to prevent the spread of COVID–19.[10] On June 15, 2020, the CEO of the Exchange made a determination under Rule 7.1(c)(3) to begin the second phase of the Trading Floor reopening by allowing DMMs to return on June 17, 2020, subject to safety measures designed to prevent the spread of COVID–19.[11]

Rule 7.35C sets forth the procedures for Exchange-facilitated Auctions. The first time the Exchange facilitated any Auctions pursuant to Rule 7.35C was on March 19, 2020, when two DMM firms temporarily left the Trading Floor in connection with implementing their business continuity plans related to the COVID–19 pandemic. Beginning on March 23, 2020, when the Exchange temporarily closed the Trading Floor, the Exchange began facilitating Auctions on behalf of all DMM firms. During the period of March 23, 2020 through June 16, 2020, among the DMM firms, the percentage of Auctions that were facilitated by the Exchange ranged from 1% to 3.2% of the securities assigned to each DMM. During this period, the vast majority of Auctions were facilitated electronically by DMMs pursuant to Rules 7.35A and 7.35B.

In connection with both the market-wide volatility associated with the COVID–19 pandemic in March 2020 and the full and partial closing of the Trading Floor facilities, the Exchange added Commentaries .01, .02, .03, and .04 to Rule 7.35C[12] that are in effect until the earlier of a full reopening of the Trading Floor facilities to DMMs or after the Exchange closes on April 30, 2021.[13] These Commentaries set forth how the Exchange has been functioning during this temporary period when the Trading Floor facilities have been closed either in full or in part in connection with COVID–19.

The Exchange believes that the rules that it has added on a temporary basis to Rule 7.35C have supported the fair and orderly operation of the Exchange during both the market volatility associated with COVID–19 and the temporary period that the Trading Floor facilities have been closed either in full or in part due to COVID–19. The Exchange further believes the functionality that has been operating on a temporary basis would continue to support the fair and orderly operation of the Exchange under any circumstances where there may be either market-wide volatility or the need for the Exchange to facilitate one or more Auctions. Accordingly, the Exchange proposes that the following changes be made permanent in Exchange rules:

- Provide the Exchange with authority to facilitate a Trading Halt Auction if a security has not reopened following a MWCB Halt by 3:30 p.m. Eastern Time.
- Widen the Auction Collars for an Exchange-facilitated Trading Halt Auction following a MWCB Halt to the greater of $0.15 or 10%.
- Allow DMM Interest to remain on the Exchange Book after an Exchange-facilitated Auction.

Proposed Rule Changes

Exchange Authority To Facilitate a Trading Halt Auction Following a MWCB Halt

In the midst of the market-wide volatility relating to COVID–19 and before the Exchange temporarily closed the Trading Floor, the Exchange added Commentary .01 to Rule 7.35C, which provided, at the time of filing, that:[14]

Until May 15, 2020, to facilitate the fair and orderly reopening of securities following either a Level 1 or Level 2 trading halt due to extraordinary market volatility under Rule 7.12 (''MWCB Halt''), the CEO of the Exchange or his or her designee may determine that the Exchange will facilitate a Trading Halt Auction in one or more securities under this Rule if a security has not reopened by 3:30 p.m. If the Exchange facilitates a Trading Halt Auction following a MWCB Halt pursuant to this Commentary, the Auction Collars will be the greater of $0.15 or 10% away from the Auction Reference Price.

Following the temporary closure of the Trading Floor, the substance of this Commentary was revised and moved to Commentary .02 to Rule 7.35C, as follows:[15]

If the Trading Floor facilities reopen, through trading on December 31, 2020, to facilitate the fair and orderly reopening of securities following a MWCB Halt, the CEO of the Exchange or his or her designee may determine that the Exchange will facilitate a Trading Halt Auction in one or more securities under this Rule if a security has not reopened by 3:30 p.m. Eastern Time. If the Exchange facilitates a Trading Halt Auction following a MWCB Halt pursuant to this Commentary, the Auction Collars will be the greater of $0.15 or 10% away from the Auction Reference Price.

As described in more detail in the First Rule 7.35C Filing, under Rule 7.35C, the Exchange will facilitate an Auction only if a DMM cannot facilitate an Auction for one or more securities. In support of the proposed rule change, the Exchange explained:

The Exchange continues to believe that DMM-facilitated Trading Halt Auctions following a MWCB Halt provide the greatest opportunity for fair and orderly reopenings of securities, and would therefore continue to provide

relating to the Auction Reference Price for Exchange-facilitated Core Open Auctions, which will be submitted as a separate proposed rule change.

[9] Pursuant to Rule 7.1(e), the CEO notified the Board of Directors of the Exchange of this determination. The Exchange's current rules establish how the Exchange will function fully-electronically. The CEO also closed the NYSE American Options Trading Floor, which is located at the same 11 Wall Street facilities, and the NYSE Arca Options Trading Floor, which is located in San Francisco, CA. *See* Press Release, dated March 18, 2020, available here: *https://ir.theice.com/press/press-releases/all-categories/2020/03-18-2020-204202110.*

[10] *See* Securities Exchange Act Release No. 88933 (May 22, 2020), 85 FR 32059 (May 28, 2020) (SR–NYSE–2020–47) (Notice of filing and immediate effectiveness of proposed rule change).

[11] *See* Securities Exchange Act Release No. 89086 (June 17, 2020) (SR–NYSE–2020–52) (Notice of filing and immediate effectiveness of proposed rule change).

[12] *See* Securities Exchange Act Release Nos. 88413 (March 18, 2020), 85 FR 16713 (March 24, 2020) (SR–NYSE–2020–19) (amending Rule 7.35C to add Commentary .01) (''First Rule 7.35C Filing''); 88444 (March 20, 2020), 85 FR 17141 (March 26, 2020) (SR–NYSE–2020–22) (amending Rules 7.35A to add Commentary .01, 7.35B to add Commentary .01, and 7.35C to add Commentary .02) (''Second Rule 7.35C Filing''); 88562 (April 3, 2020), 85 FR 20002 (April 9, 2020) (SR–NYSE–2020–29) (amending Rule 7.35C to add Commentary .03) (''DMM Interest Filing''); and 89059 (June 12, 2020), 85 FR 36911 (June 18, 2020) (SR–NYSE–2020–50) (amending Rule 7.35C to add Commentary .04) (''Fourth Rule 7.35C Filing'').

[13] *See* Securities Exchange Act Release No. 90795 (December 23, 2020), 85 FR 86608 (December 30, 2020) (SR–NYSE–2020–106) (Notice of filing and immediate effectiveness of proposed rule change to extend the temporary period for Commentaries to Rules 7.35, 7.35A, 7.35B, and 7.35C; and temporary rule relief in Rule 36.30 to end on the earlier of a full reopening of the Trading Floor facilities to DMMs or after the Exchange closes on April 30, 2020).

[14] *See* First Rule 7.35C Filing, *supra* note 12.

[15] *See* Second Rule 7.35C Filing, *supra* note 12.

DMMs an opportunity to reopen securities before effectuating an Exchange-facilitated Trading Halt Auction. The proposal would provide the Exchange with another tool during volatile markets to reopen securities before 3:50 p.m., for continuous trading to resume leading into the close . . . . . The Exchange believes that specifying a time in the Rule at which the Exchange could exercise such discretion would put DMMs on notice of the time that the Exchange could begin facilitating such auctions. The Exchange further believes that it is not appropriate to provide that the Exchange would automatically facilitate reopening auctions at 3:30 p.m. There may be facts and circumstances where DMMs would be able to reopen all securities before 3:50 p.m., but that the DMM-facilitated process may not have completed by 3:30 p.m. The Exchange would take those facts and circumstances into account before invoking the proposed relief. Exchange staff would communicate with the impacted DMMs verbally on the Floor during such times, and therefore the DMMs would be on notice of whether the Exchange would invoke this relief, and for which securities.

The Exchange continues to believe that the ability for the Exchange to facilitate a Trading Halt Auction following a MWCB Halt if a security has not reopened by 3:30 p.m. would promote the fair and orderly reopening of one or more securities so that continuous trading may resume leading into the close. Accordingly, the Exchange proposes that the relief described above should be made a permanent part of Rule 7.35C. To effect this change, the Exchange proposes to amend 7.35C to add new subparagraph (a)(4) as follows, which is based on current Commentary .02 to Rule 7.35C without any substantive differences:

The CEO of the Exchange, or his or her designee, may determine that the Exchange will facilitate a Trading Halt Auction in one or more securities under this Rule if a security is subject to either a Level 1 or Level 2 trading halt due to extraordinary market volatility under Rule 7.12 (''MWCB Halt'') and has not reopened by 3:30 p.m. Eastern Time.

The Exchange further proposes to delete Commentary .02 to Rule 7.35C, which would be replaced by proposed Rule 7.35C(a)(4).

There are no technology changes associated with this proposed rule change and the Exchange would be able to implement it immediately upon approval of this proposed rule change.

Wider Auction Collars for a Trading Halt Auction Following a MWCB Halt

As noted above, as set forth in Commentary .01(a) to Rule 7.35C,[16] the Exchange also widened the Auction Collars for an Exchange-facilitated Trading Halt Auction following a MWCB Halt to the greater of $0.15 or 10% away from the Auction Reference Price. Absent this temporary relief, the Auction Collars for all Exchange-facilitated Trading Halt Auctions, including reopenings following a MWCB Halt, is the greater of $0.15 or 5% away from the Auction Reference Price and does not include extension logic.[17]

As described in the First Rule 7.35C Filing, the widening of the Auction Collars was designed to provide the Exchange with more flexibility to respond to the then unprecedented market-wide declines that resulted from the ongoing spread of COVID–19 at that time if the Exchange were to facilitate a Trading Halt Auction following a MWCB Halt. The Exchange cannot predict if and when the U.S. equities market will experience market-wide declines that would trigger a MWCB Halt again. However, if such market-wide volatility were to occur, the Exchange believes that the widened Auction Collars would promote fair and orderly reopenings following a MWCB Halt by providing a wider price range at which the Exchange could facilitate such a reopening.

To effect this change, the Exchange proposes to amend Rule 7.35C(b)(3)(A)(ii) to provide as follows (proposed new text italicized), which is based on current Commentary .01 to Rule 7.35C without any substantive differences:

The Auction Collar for the Trading Halt Auction will be based on a price that is the greater of $0.15 or 5% away from the Auction Reference Price for the Trading Halt Auction, *provided that, the Auction Collar for a Trading Halt Auction following a MWCB Halt will be the greater of $0.15 or 10% away from the Auction Reference Price.*

The Exchange further proposes to delete Commentary .01 to Rule 7.35C, which would be replaced by the proposed amendment to Rule 7.35C(b)(3)(A)(ii).

There are no technology changes associated with this proposed rule change and the Exchange would be able to implement it immediately upon approval of this proposed rule change.

DMM Interest and Exchange-Facilitated Auctions

As set forth in Rule 7.35C(a)(1), if the Exchange facilitates an Auction, DMM Interest would not be eligible to participate in such Auction and previously-entered DMM Interest would be cancelled. When a DMM cannot facilitate an Auction because the DMM unit is experiencing a system issue that prevents it from communicating with Exchange systems, cancelling DMM Interest following an Exchange-facilitated Auction would help ensure that DMM Interest that may be at stale prices does not participate in trading on the Exchange. On the other hand, by cancelling DMM Interest when the DMM units' systems are operating normally, DMMs may be limited in their ability to maintain price continuity with reasonable depth, *i.e.,* provide passive liquidity at the Exchange best bid and offer and at depth, immediately following an Exchange-facilitated Auction.

After a period of operating Exchange-facilitated Auctions, the Exchange identified a way to provide DMMs with a greater opportunity to provide passive liquidity immediately following an Auction, thereby dampening volatility, while still limiting DMM risk. To effect this change, the Exchange added Commentary .03 to Rule 7.35C, which provides that for the temporary period that begins on April 6, 2020 and ends on the earlier of a full reopening of the Trading Floor facilities to DMMs or after the Exchange closes on December 31, 2020, if the Exchange facilitates an Auction, DMM Interest (i) will not be eligible to participate if such Auction results in a trade, and will be eligible to participate if such Auction results in a quote, and (ii) will not be cancelled unless the limit price of such DMM Interest would be priced through the Auction Price or Auction Collars, as applicable, or such DMM Interest would

[16] Commentary .01(a) to Rule 7.35C currently provides that: ''For a temporary period that begins March 23, 2020, when the Trading Floor facilities have been closed pursuant to Rule 7.1(c)(3), and ends on the earlier of a full reopening of the Trading Floor facilities to DMMs or after the Exchange closes on December 31, 2020: (a) The Auction Collar for a Trading Halt Auction following a either a Level 1 or Level 2 trading halt due to extraordinary market volatility under Rule 7.12 (''MWCB Halt'') will be the greater of $0.15 or 10% away from the Auction Reference Price.''

[17] *See* Securities Exchange Act Release No. 85962 (May 29, 2019), 84 FR 26188 (June 5, 2019) (SR–NYSE–2019–05) (Order approving, among other rules, Rule 7.35C, including that extension logic would not be applied to Exchange-facilitated Trading Halt Auctions). The Exchange continues to believe that extension logic is not necessary for Exchange-facilitated Trading Halt Auctions following a MWCB Halt because marketable orders priced through the Auction Collars would be cancelled, which would serve the same purpose as the extension logic. The proposed wider Auction Collars for an Exchange-facilitated Trading Halt Auction following a MWCB Halt would allow for more interest to participate in such auction, thereby reducing the potential for orders to be cancelled.

be marketable against other unexecuted orders.[18]

The Exchange proposes to make permanent the changes to how Exchange-facilitated Auctions function, as described in Commentary .03 to Rule 7.35C. By making this functionality permanent, such rules would continue to apply both during the continuation of the current Trading Floor closure and if the Exchange were to facilitate Auctions any time after the Trading Floor fully reopens.

To effect this change, the Exchange proposes to amend 7.35C(a)(1) as follows (new text italicized, deleted text bracketed):

If the Exchange facilitates an Auction, DMM Interest will not be eligible to participate [in]*if* such Auction *results in a trade, and will be eligible to participate if such Auction results in a quote*[and previously-entered DMM Interest will be cancelled].

This proposed rule change would make permanent the temporary functionality set forth in paragraph (a)(1) to Commentary .03.

With this change, DMM Interest would not participate in any Exchange-facilitated Auctions that would result in a trade. This is how DMM Interest currently functions when the Exchange facilitates an Auction pursuant to either Rule 7.35C(a)(1) or Commentary .03 to Rule 7.35C. Based on experience operating pursuant to Commentary .03 to Rule 7.35C, the Exchange believes that this functionality should continue permanently when the Exchange facilitates an Auction, including, for example, when the Trading Floor is open but the DMM is unable to facilitate an Auction because of a systems or technical issue.

More specifically, when a DMM facilitates an Auction that results in a trade, the DMM determines whether to participate on the buy or sell side and, based on that direction from the DMM, DMM Orders that do not participate in the Auction and that would lock or cross other orders, which would include other DMM Orders, will be cancelled.[19] If the DMM has entered both buy and sell interest in advance of the Auction and the Exchange facilitates the Auction, the DMM would not be able to control whether the DMM's buy or sell interest would participate in a trade and the Exchange would not have that instruction from the DMM of which side of the market that the DMM would participate. As a result, there may be crossing DMM Interest that could result in a wash-sale trade that would not have occurred if the DMM had facilitated the Auction. Excluding DMM Interest from participating in an Exchange-facilitated Auction that results in a trade eliminates the potential for a wash-sale trade. In addition, the Exchange believes it promotes fair and orderly Exchange-facilitated Auctions that result in a trade to exclude DMM Interest from participating in such Auctions, because if a DMM's buy or sell interest does not reflect up-to-date prices, it could impact pricing of the Auction.

By contrast, the Exchange believes that the proposed change for DMM Interest to participate in an Exchange-facilitated Auction that results in a quote would promote fair and orderly markets. This proposed change is consistent with Commentary .03(a)(1) to Rule 7.35C, but differs from current Rule 7.35C(a)(1). A security opens on a quote if there is no buy interest willing to trade with sell interest at the same price. The Exchange believes that under such circumstances, including DMM Interest in the Exchange's quote would assist the DMMs in meeting their obligation to maintain a two-sided quote as well as to maintain continuity and depth in their assigned securities.[20] Accordingly, the Exchange believes that making this change permanent would promote fair and orderly markets in connection with Exchange-facilitated Auctions that result in a quote.

The final element of the proposed change to Rule 7.35C(a)(1) is that DMM Interest would no longer be automatically cancelled after an Exchange-facilitated Auction. The Exchange believes that this proposed change would assist DMMs in meeting their obligation, as required by Rule 104(f)(2), to provide passive liquidity in order to maintain continuity with reasonable depth in their assigned securities immediately following a Core Open Auction or Trading Halt Auction that was facilitated by the Exchange. In advance of an Auction, DMMs can enter DMM Orders, which if not traded in an Auction, would be part of the DMM Interest on the Exchange Book after the Auction. In addition, DMMs can enter DMM After-Auction Orders, which do not participate in Auctions and are specifically designed to assist the DMMs to maintain passive liquidity on the Exchange immediately following an Auction, which supports their ability to maintain continuity with reasonable depth immediately following an Auction. If DMM Interest is not automatically cancelled following an Exchange-facilitated Auction, the DMM would be better able to timely meet these obligations by ensuring that passive liquidity remains on the Exchange Book immediately following an Auction.

The Exchange believes that there remain circumstances when DMM Interest should be cancelled following an Exchange-facilitated Auction. As proposed, the Exchange would cancel unexecuted DMM Interest under the same circumstances that unexecuted orders of other member organizations would be cancelled following such Auctions.

To effect this change, the Exchange proposes to amend Rule 7.35C(g)(1), which currently describes which unexecuted orders would be cancelled if a security opens or reopens on a trade via an Exchange-facilitated Auction, and Rule 7.35C(g)(2), which currently describes which unexecuted orders would be cancelled if a security opens or reopens on a quote that is above (below) the upper (lower) Auction Collar via an Exchange-facilitated Auction. The Exchange proposes that these two subparagraphs would be replaced with the following text to incorporate that under the same circumstances, DMM Interest would similarly be cancelled (proposed new text italicized):

(1) If a security opens or reopens on a trade, Market Orders (including sell short Market Orders during a Short Sale Period) and Limit Orders, *including DMM Interest*, with a limit price that is better-priced than the Auction Price and were not executed in the applicable Auction will be cancelled.

(2) If a security opens or reopens on a quote that is above (below) the upper (lower) Auction Collar, Market Orders (including sell short Market Orders during a Short Sale Period) and Limit Orders, *including DMM Interest*, with a limit price that is better-priced than the upper (lower) Auction Collar will be cancelled before such quote is published.

These proposed rule changes would make permanent the temporary functionality set forth in paragraphs (b)(1) and (2) to Commentary .03.

The Exchange further believes that if previously-entered DMM Interest would be marketable against either other DMM Interest or contra-side unexecuted orders, such DMM Interest should be cancelled. For example, if for a security, the Auction Reference Price is $10.00, the lower Auction Collar is $9.00 and the upper Auction Collar is $11.00, and the orders on the Exchange Book in advance of the Auction are as follows:

[18] *See* DMM Interest Filing, *supra* note 12.

[19] *See* Rule 7.35A(h)(3)(C) (providing that after a Core Open or Trading Halt Auction, better at-priced DMM Orders that do not receive an allocation and that lock or cross other unexecuted orders and buy and sell better-priced DMM Orders will be cancelled after the Auction Processing Period concludes).

[20] *See* Rule 104(f)(2).

• Order 1—Buy DMM Order 1000 shares at $10.05,
• Order 2—Sell DMM Order 1000 shares at $10.00,
• Order 3—Buy DMM Order 1000 shares at $10.02,
• Order 4—Sell Limit Order at $10.03,

the orders in this example would be processed as follows in an Exchange-facilitated Auction:

• Order 1 would be cancelled (because DMM Interest would not be eligible to participate in an Auction trade, and here, Order 1 is marketable with Orders 2 and 4),
• Order 2 would be cancelled (because DMM Interest would not be eligible to participate in an Auction trade, and here Order 2 is marketable with Order 3), and
• Order 3 would not be cancelled because it is no longer marketable with any other interest, *i.e.,* it no longer locks or crosses the price of any other contra-side interest in the Exchange Book. Order 3 would therefore be included in the opening quote.

This Exchange-facilitated Auction would result in the following quote: $10.02 (Order 3—DMM Order) × $10.03 (Order 4—Limit Order).

To effect this change, the Exchange proposes new subparagraph (g)(3) to Rule 7.35C to specify the additional circumstances when DMM Interest would be cancelled, as follows:

The Exchange will cancel DMM Interest that is marketable against contra-side unexecuted orders. If the contra-side unexecuted order against which such DMM Interest is marketable is DMM Interest, the DMM Interest with the earlier working time will be canceled.

This proposed rule change would make permanent the temporary functionality set forth in paragraph (b)(3) to Commentary .03.

The Exchange believes that these proposed rule changes would promote fair and orderly markets whenever the Exchange facilitates an Auction under Rule 7.35C—under any circumstance—by supporting DMMs in maintaining continuity with reasonable depth in their assigned securities immediately following an Exchange-facilitated Core Open Auction or Trading Halt Auction that was facilitated by the Exchange.

The Exchange proposes that, with these proposed changes to Rules 7.35C(a)(1) and (g), Commentary .03 to Rule 7.35C would be deleted in its entirety.

In further support of making the functionality set forth in Commentary .03 to Rule 7.35C permanent, the Exchange notes that after the Exchange implemented that Commentary, the Exchange observed improved performance relating to Exchange-facilitated Auctions.

• For the period March 23, 2020 to April 3, 2020, 4.9% of all Core Open Auctions were facilitated by the Exchange. For the period April 6, 2020 through June 16, 2020, the Exchange facilitated only 2% of all Core Open Auctions. In addition, the percentage of Exchange-facilitated Core Open Auctions that were bound by an Auction Collar decreased from 1.3% from the pre-April 6, 2020 period, to 0.58% in the April 6, 2020–June 16, 2020 period.
• In addition, the Exchange observed that after April 6, 2020, Exchange-listed securities experienced reduced volatility in the first half hour of trading. The Exchange uses a quote-based metric to measure volatility in securities,[21] and based on that metric, volatility in Exchange-listed securities between the period of April 6, 2020 and June 16, 2020 was 28.4% lower than the same measure between March 23, 2020 and April 3, 2020. In addition, the Exchange further observed that between these two periods, the difference between the Core Open Auction Price and the subsequent five-minute VWAP dropped by 31.3%.

For DMM firms that have already returned staff to the Trading Floor, this proposed change has limited application because the Exchange has not facilitated any Auctions on behalf of those firms since June 16, 2020. In addition, the Exchange anticipates that once the Trading Floor facilities open in full to DMMs, and all DMM firms have staffing on the Trading Floor, the need for Exchange-facilitated Auctions would be obviated, and the Exchange will revert to pre-pandemic rates of Exchange-facilitated Auctions, which were none. Accordingly, the proposed changes to Rule 7.35C will likely have limited application and would be available as a business continuity functionality should DMMs be unable to facilitate an Auction in one or more securities, for any reason.

There are no technology changes associated with this proposed rule change and the Exchange would be able to implement it immediately upon approval of this proposed rule change.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[22] in general, and furthers the objectives of Section 6(b)(5) of the Act,[23] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes that the rules that it added on a temporary basis to Rule 7.35C have supported the fair and orderly operation of the Exchange during both the market volatility associated with COVID–19 and the temporary period that the Trading Floor facilities have been closed either in full or in part due to COVID–19. The Exchange further believes the functionality that has been operating on a temporary basis would continue to support the fair and orderly operation of the Exchange under any circumstances where there may be either market-wide volatility or the need for the Exchange to facilitate one or more Auctions.

Exchange Authority To Facilitate a Trading Halt Auction Following a MWCB Halt

The Exchange believes that it would remove impediments to and perfect the mechanism of a free and open market and a national market system to provide the Exchange with authority to facilitate a Trading Halt Auction following a MWCB Halt. The Exchange continues to believe that DMM-facilitated Trading Halt Auctions following a MWCB Halt provide the greatest opportunity for fair and orderly reopenings of securities, and would therefore continue to provide DMMs an opportunity to reopen securities before effectuating an Exchange-facilitated Trading Halt Auction. The proposal would provide the Exchange with another tool during volatile markets to reopen securities before 3:50 p.m. so that continuous trading may resume before leading into the close. The Exchange further believes

[21] As described in an Exchange blog post, this metric is calculated using second-to-second ''quote returns,'' which is calculated by averaging the midpoints of all NBBO updates for a security within each second of the day from 9:35 a.m. to 4:00 p.m., and then calculating the percentage rate of return of these average quote midpoints from one second to the next. The variance of returns are then calculated in aggregated time periods (*e.g.,* 5-minute buckets) and annualized from seconds to 6.5 hour trading days to 252 trading days in the years. Finally, the Exchange takes the square root of the annualized variance in the aggregated periods, which creates the Exchange's quote volatility metric. *See* NYSE Data Insights, Introducing Quote Volatility (QV)—a new metric to measure price volatility, available here: *https://www.nyse.com/data-insights/introducing-quote-volatility-qv-a-new-metric-to-measure-price-volatility.*

[22] 15 U.S.C. 78f(b).

[23] 15 U.S.C. 78f(b)(5).

that it is not appropriate to provide that the Exchange would automatically facilitate reopening auctions at 3:30 p.m. There may be facts and circumstances where DMMs would be able to reopen all securities before 3:50 p.m., but that the DMM-facilitated process may not have completed by 3:30 p.m. The Exchange would take those facts and circumstances into account before invoking the proposed relief.

Wider Auction Collars for a Trading Halt Auction Following a MWCB Halt

The Exchange believes that it would remove impediments to and perfect the mechanism of a free and open market and a national market system to widen the Auction Collars for an Exchange-facilitated Trading Halt Auction following a MWCB Halt. Such widened Auction Collars would provide the Exchange with more flexibility to respond to any market-wide declines that may continue following a MWCB Halt if the Exchange were to facilitate a Trading Halt Auction following such halt. The Exchange cannot predict if and when the U.S. equities market will experience market-wide declines that would trigger a MWCB Halt again. However, if such market-wide volatility were to occur, the Exchange believes that the widened Auction Collars would promote fair and orderly reopenings following a MWCB Halt by providing a wider price range at which the Exchange could facilitate such a reopening, thereby allowing more buy and sell interest to participate in such Auction.

DMM Interest and Exchange-Facilitated Auctions

As noted above, beginning March 19, 2020, the Exchange began facilitating auctions as provided for under Rule 7.35C for the first time, and then, beginning March 23, 2020, when the Trading Floor was temporarily closed to reduce the spread of COVID–19, began facilitating Auctions on behalf of all DMM firms. Based on that experience, the Exchange added Commentary .03 to Rule 7.35C, which is in effect only for a temporary period while the Trading Floor is closed. The Exchange believes that it would remove impediments to and perfect the mechanism of a free and open market and a national market system to make the changes described in Commentary .03 to Rule 7.35C permanent because it would allow DMMs to maintain continuity with reasonable depth in their assigned securities immediately following an Exchange-facilitated Auction.

As described above, the Exchange is proposing that DMM Interest would continue to not participate in an Exchange-facilitated Auction that results in a trade. As noted above, under both the current Rule and temporary Commentary .03, DMM Interest does not participate in an Exchange-facilitated Auction that results in a trade in part to prevent wash-trade sales of previously-entered DMM buy and sell interest and therefore reduces DMM units' risk. It also protects the fair and orderly operation of such Auctions because such DMM Interest may be at stale prices, and therefore could impact pricing of the Auction in a manner that does not reflect up-to-date trading interest. For this reason, the Exchange believes it would continue to promote fair and orderly Auctions for DMM Interest not to participate in an Exchange-facilitated Auction that results in a trade.

By contrast, the Exchange believes that the proposed change that DMM Interest would be included in an Exchange-facilitated Auction that results in a quote would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would promote fair and orderly resumption of trading by allowing DMM Interest to be considered as part of the opening quote. A security only opens on a quote when there are no buy and sell orders that can be crossed at a single price. Accordingly, when a security opens on a quote, the DMM has an immediate obligation to maintain a two-sided quote and to provide continuity and depth. Including DMM interest in an Exchange-facilitated Auction that results in a quote would assist DMMs in meeting those obligations.

The Exchange believes it would remove impediments to and perfect the mechanism of a free and open market and a national market system not to automatically cancel DMM Interest following an Exchange-facilitated Auction because it would provide DMMs with the opportunity to provide passive liquidity immediately following an Exchange-facilitated Auction, thereby reducing volatility while still limiting DMM risk. Similarly, the Exchange believes that because DMM Interest would not be participating in an Exchange-facilitated Auction that results in a trade, it would remove impediments to and perfect the mechanism of a free and open market and a national market system to cancel DMM Interest that would be marketable against unexecuted orders because, if not cancelled, such interest could trade at a price that would not be consistent with the Auction Price or opening or reopening quote determined in the Exchange-facilitated Auction. The proposed changes would also remove impediments to and perfect the mechanism of a free and open market because DMM Interest that, following an Exchange-facilitated Auction, would be priced through the Auction Price or Auction Collars, as applicable, would be cancelled in the same manner that other unexecuted orders would be cancelled.

The Exchange further believes that the proposed changes to Rules 7.35C(a) and (g) would remove impediments to and perfect the mechanism of a free and open market and a national market system because the Exchange observed improved performance following Exchange-facilitated Auctions after the Exchange implemented Commentary .03 to Rule 7.35C. Accordingly, should circumstances ever arise again that would require the Exchange to facilitate any Auctions, which, based on pre-pandemic experience, would likely be rare, the Exchange believes that these proposed changes would improve the performance of Exchange-facilitated Auctions by enabling better engagement by the DMMs in both the Auction and the immediate after-market while still limiting DMM risk.

III. Proceedings To Determine Whether To Disapprove SR–NYSE–2020–89 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act to determine whether the proposal, as modified by Amendment No. 1, should be approved or disapproved.[24] Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change, as discussed below. Institution of disapproval proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved.

Pursuant to Section 19(b)(2)(B) of the Act, the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis and input concerning the proposed rule change's consistency with the Act[25] and, in particular, with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the

[24] 15 U.S.C. 78s(b)(2)(B).

[25] 15 U.S.C. 78f(b)(5).

mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.[26]

For the reasons discussed above, the Commission believes it is appropriate to institute proceedings pursuant to Section 19(b)(2)(B) of the Act to determine whether the proposal should be approved or disapproved.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the concerns identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is inconsistent with Section 6(b)(5) or any other provision of the Act, or the rules and regulation thereunder. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[27]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by March 10, 2021. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by March 24, 2021. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal which are set forth in the Notice,[28] in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment, including where relevant, any specific data, statistics, or studies, on the following:

1. The NYSE proposal for its exchange-facilitated auctions would differ from other primary listing markets' MWCB re-opening processes in that it would establish price collars of the greater of $0.15 or 10% away from the Auction Reference Price, with interest that cannot be satisfied within the collars being canceled, whereas Nasdaq, NYSE Arca, and Cboe BZX establish 5% price bands for re-opening and then widen those price bands in increments of 5% until market interest can be satisfied. Should the primary listing exchanges harmonize their respective processes for reopening trading by electronic auction after a halt pursuant to the market-wide circuit breaker mechanism following a Level 1 or Level 2 market decline, and if so, why? If so, which aspects of the re-opening processes following MWCB Halts should be harmonized (*e.g.,* auction reference price, determination of auction match price, width of auction collars, or expansions of auction collars) and what are the appropriate parameters? Should NYSE further harmonize its proposed MWCB reopening process for exchange-facilitated auctions to align with Nasdaq, NYSE Arca, and Cboe BZX on the establishment of auction reference prices, auction collars levels, and/or the limit (or lack thereof) on auction collar adjustments?

2. Is it appropriate for the Exchange to derive and expand the lower/upper MWCB Auction Collar by subtracting from or adding to the Auction Reference Price the greater of $0.15 or 10% of the Auction Reference Price, which are currently wider than the parameters that Nasdaq, NYSE Arca, and Cboe BZX use to derive and expand their respective MWCB auction collars? Are there any specific data, statistics, or studies to support the Exchange's belief that the wider parameters proposed for MWCB Auction Collars are set at appropriate levels that would allow the Exchange to re-open trading in securities more quickly while still reducing the potential to re-open at a price that is significantly away from the last traded price of the security? Are there any considerations regarding why the NYSE exchange-facilitated MWCB re-openings should be handled differently from other primary listing markets that list equities?

3. Are the other aspects of the proposal appropriate for auctions following a Trading Halt? Is it appropriate for the Exchange to have the authority to facilitate a Trading Halt Auction if a security has not re-opened by 3:30 p.m., following a MWCB Halt? Or should the Exchange afford the DMM additional time to open the security?

4. Should DMM Interest be eligible to participate in an Exchange-facilitated Auction, if that Auction results in a quote? Should DMM Interest be canceled when a security opens or reopens on a trade? When a security opens or reopens, should DMM Interest be canceled when the limit price of that DMM Interest prices through the Auction Price or the Auction Collars? Should DMM Interest be canceled when it is marketable against contra-side unexecuted orders?

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2020–89 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2020–89. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2020–89 and should be submitted on or before March 10, 2021. Rebuttal comments should be submitted by March 24, 2021.

[26] *Id.*

[27] Rule 700(c)(2) of the Commission's Rules of Practice provides that ''[t]he Commission, in its sole discretion, may determine whether any issues relevant to approval or disapproval would be facilitated by the opportunity for an oral presentation of views.'' 17 CFR 201.700(c)(2).

[28] *See* Notice, *supra* note 3.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–03088 Filed 2–16–21; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 11340]

Bureau of Political-Military Affairs, Directorate of Defense Trade Controls: Notifications to the Congress of Proposed Commercial Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The Directorate of Defense Trade Controls and the Department of State give notice that the attached Notifications of Proposed Commercial Export Licenses were submitted to the Congress on the dates indicated. Four notifications inadvertently omitted a date from their letters, but all were confirmed to have been submitted to the Congress on August 1, 2020. Where that occurred, the date has been added within brackets to the letters reproduced here.

DATES: As shown on each of the 34 letters.

FOR FURTHER INFORMATION CONTACT: Ms. Paula C. Harrison, Directorate of Defense Trade Controls (DDTC), Department of State at (202) 663–3310; or access the DDTC website at *https://www.pmddtc.state.gov/ddtc_public* and select ''Contact DDTC,'' then scroll down to ''Contact the DDTC Response Team'' and select ''Email.'' Please add this subject line to your message, ''ATTN: Congressional Notification of Licenses.''

SUPPLEMENTARY INFORMATION: Section 36(f) of the Arms Export Control Act (22 U.S.C. 2776) requires that notifications to the Congress pursuant to sections 36(c) and 36(d) be published in the **Federal Register** in a timely manner. The following comprise recent such notifications and are published to give notice to the public.

July 7, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, the Department of State is transmitting certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Germany, Pakistan, and the UK to support the sale, delivery, installation, operation, training, and maintenance of thirteen (13) TPS–77(e)(2) Multi-Role Radar Systems (MRR)

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 19–012.

September 2, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, the Department of State is transmitting certification of a proposed license for the export of firearms abroad controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export to the UAE of fully automatic 5.56mm rifles.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 19–018.

[August 1, 2020]

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to the UAE and the UK to support the delivery, design, development, installation, integration, maintenance, production, repair, retrofit, sales, and support of the DB–110 and MS–110 Airborne Reconnaissance System, including their associated ground station and datalink with corresponding software.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 19–042.

August 13, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to the UAE to support the delivery and operation of the Predator XP (EP) unmanned aircraft system.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 19–048.

July 23, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components abroad controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export to Jamaica of 5.56mm automatic carbines and major components.

[29] 17 CFR 200.30–3(a)(57).

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 19–104.

July 23, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Australia, Austria, Finland, Germany, Norway, and Qatar to support the survey, integration, testing, installation, operation, training, repair, demonstration, and maintenance of the National Advanced Surface to Air Missile System (NASAMS).

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 19–106.

July 8, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to France to support the integration, installation, operation, training, testing, maintenance, and repair of the Airborne Warning and Control System (AWACS) E–3F Cockpit Upgrade (FCU) Program.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 19–111.

August 6, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms abroad controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export to the UAE of 5.56mm automatic rifles.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 19–115.

September 22, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Belgium, Czech Republic, Germany, Denmark, Spain, UK, Greece, Hungary, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, and Turkey to support the upgrade of the Airborne Warning and Control System (AWACS) and related equipment.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 19–118.

September 2, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Australia and the UAE for the integration of M230LF Automatic chain guns and associated hardware with a R–400S–MK2–D remote weapons systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 19–121.

August 6, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to the Netherlands and the UK to support the manufacture of F–35 aircraft arresting gear systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 19–122.

September 2, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Japan to support the direct commercial sale, support, operation, testing, training, logistical support, maintenance, and repair of the radar antennas and cooling systems for the Aegis Ashore Japan Program.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 19–127.

September 2, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Sections (c) 36 of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Italy to support the manufacture, assembly, inspection, and delivery of F–135 propulsions systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–007.

July 17, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Saudi Arabia, Australia and the UK to support the integration, installation, operation, training, testing, maintenance, and repair of Falcon III Communications Systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–008.

[August 1, 2020]

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Austria, Belgium, Netherlands, Norway, Germany, Portugal, Saudi Arabia, Spain and the UK to support the manufacture, integration, installation, operation, training, testing, maintenance, sales, and repair of aircraft countermeasures for use with CH–47 Chinook, EH–101 Merlin Mark 2, and Puma rotary wing aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–010.

July 23, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Qatar to support the manufacture, production, integration, troubleshooting, and maintenance of the Fusion Rail System onto ARX 160 rifles.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–013.

[August 1, 2020]

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) and (d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the manufacture of significant military equipment abroad and the export of firearms, parts, and components abroad controlled under Category I of the U.S. Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Qatar to support the manufacture of upper and lower receivers and charging handle components for the KMA 762 7.62mm automatic rifle.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–014.

September 2, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data and defense services, for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of technical data, and defense services to the Republic of Korea to support the replication and incorporation of object code of the Have Quick I/II Electronic-Counter Counter Measure (ECCM) waveform into Software Compliant Architecture (SCA)-compliant radio equipment.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–015.

July 31, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Mexico to support the manufacture of aircraft electrical and environmental components for use in various U.S. combat aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–016.

August 6, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to France and the UAE to support the integration of the SNIPER Advanced Targeting Pod on Mirage aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–018.

September 2, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Qatar to support the manufacture, integration, installation, operation, training, testing, maintenance, and repair of 40mm grenade launchers.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–019.

September 11, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) and (d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Mexico to support the manufacture, test, inspection and rework of parts and components of various gas turbine engines for use in U.S. military air and ground platforms consisting of F–35, F–22, F–18, B–1B, B–2A, M1A1, F117, CH–47 and AW–159.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–020.

August 19, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Belgium, France, Germany, the Netherlands, and the UK to support the licensed manufacture of Patriot PAC–3 Missile Segment Canister Assemblies.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–021.

September 2, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to the UAE and the UK to support the preparation, shipment, delivery, and acceptance of the Guidance Enhanced Missiles (GEM–T).

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs,

Enclosure: Transmittal No. DDTC 20–022.

September 2, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Tunisia to support the manufacture, integration, installation, operation, training, testing, maintenance, and repair of the F–135 Propulsion System.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–023.

July 8, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to the UK support the manufacture, assembly, repair, testing, maintenance, and design modification of various parts and components for the Lift System modules for the F–35 Lightning II Short Take-Off Vertical Landing (STOVL) variant.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–024.

[August 1, 2020]

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to France and Japan to support the development and modification of the Falcon F2000LXS Maritime Surveillance Aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–030.

September 2, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Sections 36(c) and (d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the manufacture of major defense equipment abroad and the export of defense articles, including technical data, and defense services in the amount of $25,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan to support the manufacture, assembly, inspection, test and support of the MK41 Vertical Launch System (VLS) for the Aegis Ashore program.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–032.

September 2, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Poland, France, Ireland and UK to support the design, development, and subsequent manufacture of the 737–800 Next Generation Government Aircraft for Presidential Transport.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–036.

September 2, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Japan to support the operation, installation, provisioning of organizational and intermediate level maintenance, and repairs of the MK15 Phalanx Close-In Weapon System Block 0–1B Baseline 2 and SeaRAM Weapon System.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–038.

September 2, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Israel to support the design, development, engineering, integration, marketing, production, manufacturing, testing, depot level maintenance, modification, demonstration and processing of the Missile Firing Unit (MFU) and Stunner Interceptor Subsystems for the David's Sling Weapon System.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–039.

September 22, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

The Honorable Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Australia and the UK to support the manufacture and sale of F–35 vertical tails and tail fairings and related sub-assemblies.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–042.

September 2, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Australia to support the manufacture of the Communication, Navigation, and Identification (CNI) Audio Control Electronic (ACE) module for the F–35 Joint Strike Fighter Aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–051.

September 5, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Canada, Germany, Israel and the UK to support the post deployment software support activities and upgrades to the UK Combined Arms Tactical Trainer (CATT).

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–052.

Paula C. Harrison,

Senior Management Analyst Directorate of Defense Trade Controls, Department of State.

[FR Doc. 2021–03122 Filed 2–16–21; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Commercial Space Transportation Advisory Committee: Notice of Public Meeting

AGENCY: Federal Aviation Administration, Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a meeting of the Commercial Space Transportation Advisory Committee for March 23, 2021.

DATES: The March 23, 2021 meeting will be held from 9:30 a.m. to 4:00 p.m.

Requests to attend the meeting must be received by March 9, 2021.

Requests for accommodations to a disability must be received by March 16, 2021.

Requests to speak during the meeting must be submitted by March 9, 2021 to DOT and include a written copy of their remarks. Registrants in the Zoom meeting room will have the opportunity to interact directly with committee members.

Requests to submit written materials to be reviewed during the meeting must be received by DOT no later than March 9, 2021.

ADDRESSES: The March 23, 2021 meeting will be an internet-only meeting. No physical meeting is planned. Instructions on how to attend the meeting, copies of meeting minutes, and a detailed agenda will be posted on the COMSTAC website at: *https://www.faa.gov/space/additional_information/comstac/.*

FOR FURTHER INFORMATION CONTACT: James Hatt, Designated Federal Officer, U.S. Department of Transportation, at *james.a.hatt@faa.gov,* (202) 549–2325. Any committee related request should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

The Commercial Space Transportation Advisory Committee was created under the Federal Advisory Committee Act (FACA), in accordance with Public Law 92–463. Since its inception, industry-led COMSTAC has provided information, advice, and recommendations to the U.S. Department of Transportation through FAA regarding technology, business, and policy issues relevant to oversight of the U.S. commercial space transportation sector.

II. Proposed Agenda

DOT/FAA Welcome Remarks
VIP Remarks
FAA Updates
Review of Taskers Assigned at Previous Meetings/COMSTAC Final Recommendations
Public Comment
Future COMSTAC Business

III. Public Participation

The meeting listed in this notice will be open to the public. The US Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

There will be at least thirty minutes allotted for oral comments from members of the public joining a COMSTAC meeting. To accommodate as many speakers as possible, the time for each commenter may be limited. Individuals wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name, address, and organizational affiliation of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the FAA Office of Commercial Space Transportation may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks for inclusion in the meeting records and for circulation to COMSTAC members. All prepared remarks submitted on time will be accepted and considered as part of the record. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC.

* * * * *

Dated: February 10, 2021.

James A. Hatt,

Designated Federal Officer, Commercial Space Transportation Advisory Committee, Federal Aviation Administration, Department of Transportation.

[FR Doc. 2021–03082 Filed 2–16–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2021–0016]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

Under part 235 of title 49 Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that on January 26, 2021, Norfolk Southern Corporation (NS) petitioned the Federal Railroad Administration (FRA) seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2021–0016.

Applicant: Norfolk Southern Corporation, Tommy A. Phillips, Senior Director—C&S Operations, 1200 Peachtree Street NE, Atlanta, GA 30309.

Specifically, NS requests permission to discontinue a traffic control system (TCS) on the Guyandot River Branch Line, from milepost (MP) GR 0.2 to MP GR 42.5 and MP GB 11.4 to MP GB 0.5, and the Morri Branch Line, from MP SK 0.0 to SK 11.9, on the Blue Ridge Division. This area includes control points (CPs) Hotwater Road, Paul Green, Itmann, Clevenger, New Richmond, Jazbo, Pinnacle Junction, Pineville, Rockview, Kepler, Mada, Aliff, Indian Creek, Simon, Morri Branch Junction, Lincoln, Cub Creek Junction, Gilbert, Neds, Ben Creek, Pekin, Plunkett, Oceana, and eleven automatic signals. The main track between MP GR 0.5 and MP GR 42.5, MP GB 0.5 to MP GB 11.1, and MP SK 0.0 to SK 11.9 will be converted to NS Rule 171 operation. Operable approach signals will be placed at MP GR 2.3 in approach to CP Elmore and No. 1 Crossover and MP GB 2.0 in approach to CP Jerry. The signaled sidings within application limits will be made non-controlled, other than main track. All slide fences within the application limits will be retired.

NS states the reason for the proposed discontinuance is that operations no longer require TCS.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by April 5, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the

name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–03078 Filed 2–16–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2021–0014]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

Under part 235 of title 49 Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that on January 19, 2021, Norfolk Southern Corporation (NS) petitioned the Federal Railroad Administration (FRA) seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2021–0014.

Applicant: Norfolk Southern Corporation, Tommy A. Phillips, Senior Director—C&S Operations, 1200 Peachtree Street NE, Atlanta, GA 30309.

Specifically, NS requests permission to discontinue a traffic control system (TCS) on the Dry Fork Branch of the Blue Ridge Division, from milepost (MP) 10.3 to MP 144.4. This segment includes control points (CPs) Kelly, Mile Branch, Garland, Lester, Atwell, Yukon, Lomax, Rift, Jacobs Fork, Alpha, Dawson, Beech Fork, Asbury, and ten automatic signals. The main track between MP 10.3 and MP 144.4 will be converted to NS Rule 171 operation. Operable approach signals will be placed at MP 112.4 and MP142.8 in approach to CPs Auville and Dry Fork Branch. The signaled sidings within the application limits will be made non-controlled, other than main track. All slide fences within the application limits will be retired.

NS states the reason for the proposed discontinuance is that operations no longer require TCS.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by April 5, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–03077 Filed 2–16–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2021–0013]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

Under part 235 of title 49 Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that on January 18, 2021, Norfolk Southern Corporation (NS) petitioned the Federal Railroad Administration (FRA) seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2021–0013.

Applicant: Norfolk Southern Corporation, Tommy A. Phillips, Senior Director—C&S Operations, 1200 Peachtree Street NE, Atlanta, GA 30309.

Specifically, NS requests permission to discontinue a traffic control system (TCS) on the Bloomington District of the Midwest Division, from milepost (MP) C113.3 to MP C153.0. This segment includes control points Goembel, Osman, Mansfield, Lodge, Mills, and eight automatic signals. The main track between MP C113.3 and MP C153.0 will be converted to NS Rule 171 operation. Two automatic signals at C116.0 and C149.4 will be converted to operable approach signals.

NS states the reason for the proposed discontinuance is that operations no longer require TCS.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.

• *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by April 5, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–03076 Filed 2–16–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2020–0038]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on December 11, 2020, the City of San Clemente, California, (the City) and Southern California Regional Rail Authority (Metrolink) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 222, Use of Locomotive Horns at Public Highway-Rail Grade Crossings. FRA assigned the petition Docket Number FRA–2020–0038.

Specifically, the City and Metrolink jointly seek relief from the requirements of 49 CFR 222.59(a)(1), to allow use of a Pedestrian Audible Warning System (PAWS), which is similar to a wayside horn, when approaching seven highway-rail grade crossings, instead of a locomotive horn. The City also requests a waiver of certain provisions found in appendix E to 49 CFR part 222, Paragraphs 4 and 6, to allow a minimum sound level of 80 dB(A) and direction of the PAWS. The seven crossings that are the subject of this waiver are:

- Dije Court—US DOT Number 922847D—MP 203.95—pedestrian—3 PAWS
- El Portal—US DOT Number 922848K—MP 204.04—pedestrian—2 PAWS
- Corto Lane—US DOT Number 026977D—MP 204.56—pedestrian—3 PAWS
- Pier Service Road—US DOT Number 026997P—MP 204.73—private—4 PAWS
- T Street—US DOT Number 922849S—MP 205.16—pedestrian—3 PAWS
- Lost Winds—US DOT Number 922850L—MP 205.56—pedestrian—2 PAWS
- Calafia—US DOT Number 026637S—MP 206.00—pedestrian—2 PAWS

On April 14, 2015, FRA granted the City and Metrolink regulatory relief from the requirements of § 222.59(a)(1), and part 222, appendix E, as described above, for a five-year period. *See* Docket Number FRA–2014–0081. By letter dated April 27, 2020, the City sought a five-year extension of the previously granted relief, which FRA denied in a letter dated November 24, 2020. FRA's letter noted the City's late request, the lack of a joint request with Metrolink as required by 49 CFR 222.15, and concerns regarding the operation of the PAWS, the condition of the pedestrian swing gates, and sediment buildup at nearby fencing. *See* FRA–2020–0038–0004.

The current joint petition seeks a five-year extension of relief from the above-stated requirements, and the City and Metrolink have provided maintenance and communication plans to support their petition.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.* The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

• *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.

• *Fax:* 202–493–2251.

• *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.

• *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by March 19, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–03075 Filed 2–16–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2021–0018]

Petition for Waiver of Compliance

Under part 211 of title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that on January 26, 2021, Norfolk Southern Corporation (NS), petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 236, Rules, Standards, and

Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems, Devices, and Appliances. FRA assigned the petition Docket Number FRA–2021–0018.

Specifically, NS requests relief from 49 CFR 236.566, *Locomotive of each train operating in train stop, train control or cab signal territory; equipped.* The relief is requested for the Port Road Line in the Keystone Division, from control point (CP) Perryville milepost (MP) PD 0.0 to MP PD 39.7. NS seeks to operate positive train control (PTC) equipped locomotives, that are not equipped with cab signal system equipment, in cab signal system territory.

PTC-equipped locomotives are to be used in switching, transfer service, with or without cars, manifest trains, work trains, wreck trains, ballast cleaners to and from work, and engines and rail diesel cars moving to and from shops with all movements made at timetable speed. NS states that if a PTC-equipped locomotive experiences an en route failure, then 49 CFR 236.1029, *PTC system use and failures,* would apply.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *http://www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by April 5, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–03080 Filed 2–16–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Requirements: Information Collection Renewal; Comment Request; Debt Cancellation Contracts and Debt Suspension Agreements

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. Currently, the OCC is soliciting comment concerning the renewal of an information collection titled ''Debt Cancellation Contracts and Debt Suspension Agreements.''

DATES: You should submit written comments by: April 19, 2021.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0224, 400 7th Street SW, suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0224'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection [1] by the following method:

- Viewing Comments Electronically: Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0224'' or ''Debt Cancellation Contracts and Debt Suspension Agreements.''

Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th

[1] Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period.

Street SW, suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of the information collection set forth in this document.

Title: Debt Cancellation Contracts and Debt Suspension Agreements.

OMB Control No.: 1557–0224.

Description: Twelve U.S.C. 24(Seventh) authorizes a national bank (bank) to enter into Debt Cancellation Contracts (DCCs) and Debt Suspension Agreements (DSAs). Twelve CFR part 37 requires banks to disclose information about a DCC or DSA using either a short or long form disclosure. The short form disclosure usually is made orally and issued at the time a bank first solicits the purchase of a contract. The long form disclosure usually is made in writing and issued before the customer completes the purchase of the contract. There are special rules for transactions by telephone, solicitations using written mail inserts or ''take one'' applications, and electronic transactions. Part 37 provides two model forms of disclosure for satisfying the requirements of the rule. Use of the forms is not mandatory, and the regulation permits a bank to adjust the form and wording of its disclosures so long as it meets the applicable requirements. The requirements of part 37 enhance consumer protections for customers who purchase DCCs and DSAs from banks and ensure that banks offer these products in a safe and sound manner by requiring them to effectively manage their risk exposure.

Section 37.6

Section 37.6 requires the disclosures to be readily understandable and meaningful. The content of the short and long form may vary, depending on whether a bank elects to provide a summary of the conditions and exclusions in the long form disclosures or refer the customer to the pertinent paragraphs in the contract. For example, the short form disclosure requires a bank to instruct the customer to read carefully both the long form disclosures and the contract for a full explanation of the contract terms, while the long form gives a bank the option of either: (i) Summarizing the limitations; or (ii) advising the customer that a complete explanation of the Eligibility requirements, conditions, and exclusions is available in the contract and identifying the paragraphs where the customer may find that information.

Section 37.6 and appendices A and B to part 37 require a bank to provide the following disclosures (summarized below), as appropriate:

- Anti-tying (short and long form)—A bank must inform the customer that purchase of the product is optional and that neither the bank's decision whether to approve the loan nor the terms and conditions of the loan are conditioned on the purchase of a DCC or DSA.
- Explanation of debt suspension agreement (long form)—A bank must disclose that if a customer activates the agreement, the customer's duty to pay the loan principal and interest is only suspended and the customer must fully repay the loan after the period of suspension has expired.
- Amount of the fee (long form)—A bank must make disclosures regarding the amount of the fee. The content of the disclosure depends on whether the credit is open-end or closed-end. In the case of closed-end credit, the bank must disclose the total fee. In the case of open-end credit, the bank must either: (i) Disclose that the periodic fee is based on the account balance multiplied by a unit cost and provide the unit cost; or (ii) disclose the formula used to compute the fee.
- Lump sum payment of fee (short and long form)—A bank must disclose, where appropriate, that a customer has the option to pay the fee in a single payment or in periodic payments and that adding the fee to the amount borrowed will increase the cost of the contract. This disclosure is not appropriate in the case of a DCC or DSA provided in connection with a home mortgage loan where the option to pay the fee in a single payment is not available.
- Lump sum payment of fee with no refund (short and long form)—A bank must disclose that the customer has the option to choose a contract with or without a refund provision. This disclosure must also state that the prices of refund and no-refund products are likely to differ.
- Refund of fee paid in lump sum (short and long form)—If a bank permits a customer to pay the fee in a single payment and add the fee to the amount borrowed, the bank must disclose its cancellation policy. The disclosure informs the customer of the bank's refund policy, as applicable, *i.e.,* that the DCC or DSA may be: (i) Cancelled at any time for a refund; (ii) cancelled within a specified number of days for a full refund; or (iii) cancelled at any time with no refund.
- Whether use of a card or credit line is restricted (long form)—A bank must inform a customer if the customer's activation of the contract would prohibit the customer from incurring additional charges on the credit card or using the credit line.
- Termination of a DCC or DSA (long form)—If termination is permitted during the life of the loan, a bank must include an explanation of the circumstances under which a customer or the bank may terminate the contract.
- Additional disclosures (short form)—A bank must inform customers that it will provide additional information before the customer is required to pay for the product.
- Eligibility requirements, conditions, and exclusions (short and long form)—A bank must describe any material limitations relating to the DCC or DSA.

Section 37.7

Section 37.7 requires a bank to obtain a customer's written affirmative election to purchase a contract and written acknowledgment of receipt of the disclosures required by § 37.6. The section further provides that the election and acknowledgment must be conspicuous, simple, direct, readily understandable, and designed to call attention to their significance. Pursuant to § 37.7(b), if the sale of the contract occurs by telephone, the customer's affirmative election to purchase and acknowledgment of receipt of the required short form may be made orally, provided the bank: (i) Maintains sufficient documentation to show that the customer received the short form disclosures and then affirmatively elected to purchase the contract; (ii) mails the affirmative written election and written acknowledgment, together with the long form disclosures required by § 37.6, to the customer within 3 business days after the telephone solicitation and maintains sufficient documentation to show it made reasonable efforts to obtain the documents from the customer; and (iii) permits the customer to cancel the purchase of the contract without penalty within 30 days after the bank has mailed

the long form disclosures to the customer.

Pursuant to § 37.7(c), if the DCC or DSA is solicited through written materials such as mail inserts or ''take one'' applications and the bank provides only the short form disclosures in the written materials, then the bank shall mail the acknowledgment, together with the long form disclosures, to the customer. The bank may not obligate the customer to pay for the contract until after the bank has received the customer's written acknowledgment of receipt of disclosures, unless the bank takes certain steps, maintains certain documentation, and permits the customer to cancel the purchase within 30 days after mailing the long form disclosures to the customer. Section 37.7(d) permits the customer's affirmative election and acknowledgment to be made electronically.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Number of Respondents: 1,098.

Total Annual Burden Hours: 26,352 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information shall have practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2021–03125 Filed 2–16–21; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for TD 8383

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning disclosure of tax return information for purposes of quality or peer reviews, disclosure of tax return information due to incapacity or death of tax return preparer.

DATES: Written comments should be received on or before April 19, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Sara Covington, (737) 800–6149, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Disclosure of Tax Return Information for Purposes of Quality or Peer Reviews, Due to Incapacity or Death of Tax Return Preparer.

OMB Number: 1545–1209. Regulation Project Number: TD 8383.

Abstract: These regulations govern the circumstances under which tax return information may be disclosed for purposes of conducting quality or peer reviews, and disclosures that are necessary because of the tax return preparer's death or incapacity.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 250,000.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 250,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 11, 2021.

Sara L. Covington,

IRS Tax Analyst.

[FR Doc. 2021–03142 Filed 2–16–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8971

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 8971, Information Regarding

Beneficiaries Acquiring Property from a Decedent.

DATES: Written comments should be received on or before April 19, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

Requests for additional information or copies of the form(s) and instructions should be directed to Sara Covington, (737) 800–6149 Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Information Regarding Beneficiaries Acquiring Property from a Decedent.

OMB Number: 1545–2264.

Form Number: 8971.

Abstract: The Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 requires executors of an estate and other persons who are required to file a Form 706, Form 706–NA, or Form 706–A, to report to the Internal Revenue Service (IRS) and to each beneficiary receiving property from an estate the estate tax value of the property, if the return is filed after July 31, 2015. Form 8971 is used to report to the IRS and a Schedule A will be sent to each beneficiary and a copy of each Schedule A will be attached to the Form 8971. Some property received by a beneficiary may have a consistency requirement, meaning that the beneficiary must use the value reported on the Schedule A as the beneficiary's initial basis of the property. A beneficiary is an individual, trust, or other estate who has acquired (or is expected to acquire) property from the estate. If the executor is also a beneficiary who has acquired (or is expected to acquire) property from the estate, the executor is a beneficiary for purposes of the Form 8971 and the attached Schedule A.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection. Affected Public: Individuals, Business or other for-profit organization, and not-for-profit institutions.

Estimated Number of Responses: 10,000.

Estimated Time per Response: 20 hours.

Estimated Total Annual Burden Hours: 200,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 2, 2021.

Sara L. Covington,

IRS Tax Analyst.

[FR Doc. 2021–03136 Filed 2–16–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8945

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 8945, PTIN Supplemental Application For U.S. Citizens Without a Social Security Number Due to Conscientious Religious Objection.

DATES: Written comments should be received on or before April 19, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sara Covington, (737) 800–6149, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION: The IRS is seeking comments concerning the following form, and reporting and record-keeping requirements:

Title: PTIN Supplemental Application for U.S. Citizens Without A Social Security Number Due To Conscientious Religious Objection.

OMB Number: 1545–2188.

Form Number: 8945.

Abstract: Form 8945 is used by U. S. citizens who are members of certain recognized religious groups that want to prepare tax returns for compensation. Most individuals applying for a Preparer Tax Identification Number (PTIN) will have a social security number, which will be used to help establish their identity. However, there exists a population of U.S. residents that are religious objectors and do not have social security numbers. Form 8945 was created to assist that population in establishing their identity while applying for a PTIN.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 7 hrs., 11 min.

Estimated Total Annual Burden Hours: 3,590.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally,

tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments will become a matter of public record. Please do not include any confidential or inappropriate material in your comments.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information.

Approved: January 28, 2021.

Sara L. Covington,

IRS Tax Analyst.

[FR Doc. 2021–03130 Filed 2–16–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for TD 8706

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Electronic Filing of Form W–4.

DATES: Written comments should be received on or before April 19, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

Requests for additional information or copies of the regulations should be directed to, Sara Covington,(737)800–6149 or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Electronic Filing of Form W–4.

OMB Number: 1545–1435.

Regulation Project Number: T.D. 8706.

Abstract: Information is required by the Internal Revenue Service to verify compliance with regulation section 31.3402(f)(2)–1(g)(1), which requires submission to the Service of certain withholding exemption certificates. The affected respondents are employers that choose to make electronic filing of Forms W–4 available to their employees.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not for-profit institutions, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 2,000.

Estimated Number of Responses: 160,000.

Estimated Time per Respondent: .25 hours.

Estimated Total Annual Burden Hours: 40,000.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 3, 2021.

Sara L. Covington,

IRS Tax Analyst.

[FR Doc. 2021–03137 Filed 2–16–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8804–C and TD 9394

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 8804–C, Certificate of Partner-Level Items to Reduce Section 1446 Withholding, and TD 9394, Special Rules to Reduce Section 1446 Withholding.

DATES: Written comments should be received on or before April 19, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

Requests for additional information or copies of the form and instructions should be directed to Sara Covington, (737) 800–6149, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Certificate of Partner-Level Items to Reduce Section 1446 Withholding.

OMB Number: 1545–1934.

Form Number: Form 8804–C.

Abstract: Form 8804–C is used by a foreign partner that voluntary submit to the partnership if it chooses to provide a certification that could reduce or eliminate the partnership's withholding tax obligation under section 1446 (1446 tax) on the partner's allocable share of effectively connected income (ECTI) from the partnership.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations, Individuals or Households, and Not-for-Profit Organizations.

Estimated Number of Respondents: 1,000.

Estimated Time per Respondent: 18 hour 42 minutes.

Estimated Total Annual Burden Hours: 18,700.

Title: Special Rules to Reduce Section 1446 Withholding.

OMB Number: 1545–1934.

Form Number: TD 9394.

Abstract: This document contains final regulations regarding when a partnership may consider certain deductions and losses of a foreign partner to reduce or eliminate the partnership's obligation to pay withholding tax under section 1446 on effectively connected taxable income allocable under section 704 to such partner.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This Form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations, Individuals or Households, and Not-for-Profit Organizations.

Estimated Number of Respondents: 1.

Estimated Time per Respondent: 1 Hour.

Estimated Total Annual Burden Hours: 1.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 2, 2021.

Sara L. Covington,

IRS Tax Analyst.

[FR Doc. 2021–03135 Filed 2–16–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Information Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. IRS is soliciting comments concerning Payout Requirements for Type III Supporting Organizations that are not Functionally Integrated.

DATES: Written comments should be received on or before April 19, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

Requests for additional information, or copies of the information collection and instructions, or copies of any comments received, contact Sara Covington, at (737) 800–6149, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION: The IRS is seeking comments concerning the following forms, and reporting and record-keeping requirements:

Title: Payout Requirements for Type III Supporting Organizations that are not Functionally Integrated.

OMB Number: 1545–2157.

Form Number: TD 9605 (REG–155929–06).

Abstract: This document contains final regulations regarding the requirements to qualify as a Type III supporting organization that is operated in connection with one or more supported organizations. The regulations reflect changes to the law made by the Pension Protection Act of 2006. The regulations will affect Type III supporting organizations and their supported organizations.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This collection is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Not-for-profit institutions, State, Local or Tribal Governments.

Estimated Number of Respondents: 11,994.

Estimated Time per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 23,988.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in our request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. Please do not include any confidential or inappropriate material in your comments.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including

the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 3, 2021.

Sara L. Covington,

IRS Tax Analyst.

[FR Doc. 2021–03138 Filed 2–16–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1041–A

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning U.S. information return-trust accumulation of charitable amounts.

DATES: Written comments should be received on or before April 19, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for information or copies of the form and instructions should be directed to Sara Covington (737)800–6149, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: U.S. Information Return-Trust Accumulation of Charitable Amounts.

OMB Number: 1545–0094.

Form Number: 1041–A.

Abstract: Form 1041–A is used to report the information required in Internal Revenue Code section 6034 concerning accumulation and distribution of charitable amounts. The data is used to verify the amounts for which a charitable deduction was allowed are used for charitable purposes.

Current Actions: There are changes (reduction in filers) in the paperwork burden previously approved by OMB. The Tax Cuts and Jobs Act of 2017 (Pub. L. 115–97) amended section 641(c)(2). As a result, Electing Small Business Trusts (ESBTs)are no longer subject to the charitable information reporting requirements under section 6034 and do not file Form 1041–A. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations, and individuals.

Estimated Number of Respondents: 6,700.

Estimated Time per Respondent: 36 hrs, 40 minutes.

Estimated Total Annual Burden Hours: 245,622.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 27, 2021.

Sara L. Covington,

IRS Tax Analyst.

[FR Doc. 2021–03129 Filed 2–16–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning product liability losses and accumulations for product liability losses.

DATES: Written comments should be received on or before April 19, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Martha R. Brinson, at (202) 317–5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Product Liability Losses and Accumulations for Product Liability Losses.

OMB Number: 1545–0863.

Regulation Project Number: TD 8096.

Abstract: T.D. 8096 provides final regulations relating to product liability losses and accumulations for the payment of reasonable anticipated product liability losses. Changes to the applicable tax law were made by the Revenue Act of 1978. Generally, a taxpayer who sustains a product liability loss must carry the loss back 10 years. However, a taxpayer may elect to have such loss treated as a regular net operating loss under section 172. If desired, such election is made by attaching a statement to the tax return. This statement will enable the IRS to monitor compliance with the statutory requirements.

Current Actions: There are no changes being made to this regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 5,000.

Estimated Time Per Respondent: 30 mins.

Estimated Total Annual Burden Hours: 2,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments will be of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 25, 2021.

Martha R. Brinson,

Tax Analyst.

[FR Doc. 2021–03128 Filed 2–16–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms W–8BEN, W–8BEN–E, W–8ECI, W–8EXP, and W–8IMY

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form W–8BEN, Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting (Individual), Form W–8BEN–E, Certificate of Status of Beneficial Owner for United States Tax Withholding and Reporting (Entities), Form W–8ECI, Certificate of Foreign Person's Claim That Income Is Effectively Connected With the Conduct of a Trade or Business in the United States, Form W–8EXP, Certificate of Foreign Government or Other Foreign Organization for United States Tax Withholding and Reporting, Form W–8IMY, Certificate of Foreign Intermediary, Foreign Flow-Through Entity, or Certain U.S. Branches for United States Tax Withholding and Reporting, and the EW–8 MOU Program.

DATES: Written comments should be received on or before April 19, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Martha R. Brinson, at (202) 317–5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Form W–8BEN, Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting (Individual), Form W–8BEN–E, Certificate of Status of Beneficial Owner for United States Tax Withholding and Reporting Entities), Form W–8ECI,Certificate of Foreign Person's Claim That Income Is Effectively Connected With the Conduct of a Trade or Business in the United States, Form W–8EXP, Certificate of Foreign Government or Other Foreign Organization for United States Tax Withholding and Reporting, Form W–8IMY, Certificate of Foreign Intermediary, Foreign Flow-Through Entity, or Certain U.S. Branches for United States Tax Withholding and Reporting.

OMB Number: 1545–1621.

Form Numbers: W–8BEN, W–8BEN–E, W–8ECI, W–8EXP, and W–8IMY.

Abstract: Form W–8BEN is used for certain types of income to establish that the person is a foreign person, is the beneficial owner of the income for which Form W–8BEN is being provided and, if applicable, to claim a reduced rate of, or exemption from, withholding as a resident of a foreign country with which the United States has an income tax treaty. Form W–8ECI is used to establish that the person is a foreign person and the beneficial owner of the income for which Form W–8ECI is being provided, and to claim that the income is effectively connected with the conduct of a trade or business within the United States. Form W–8EXP is used by a foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, or foreign private foundation. The form is used by such persons to establish foreign status, to claim that the person is the beneficial owner of the income for which Form W–8EXP is given and, if applicable, to claim a reduced rate of, or exemption from, withholding. Form W–8IMY is provided to a withholding agent or payer by a foreign intermediary, foreign partnership, and certain U.S. branches to make representations regarding the status of beneficial owners or to transmit appropriate documentation to the withholding agent. Reg. § 1.1441–1(e)(4)(iv) provides that a withholding agent may establish a system for a beneficial owner to electronically furnish a Form W–8 or an acceptable substitute Form W–8. Withholding agents with systems that electronically collect Forms W–8 may voluntarily choose to participate in the IRS EW–8 MOU Program. The EW–8 MOU Program is a collaborative process between the withholding agents and IRS.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, and not-for-profit institutions.

	Number respondents	Time per respondent (hrs.)	Total annual burden hours
Form W–8BEN	2,970,000	7.18	21,324,600
Form W–8BEN–E	170,000	26.45	4,496,500
Form W–8ECI	180,000	9.13	1,643,400
Form W–8EXP	240	20.53	4,928
Form W–8IMY	70,400	25.88	1,821,952
Total	3,390,640	.....	29,291,380

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments will be of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 29, 2021.

Martha R. Brinson,

Tax Analyst.

[FR Doc. 2021–03133 Filed 2–16–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Salary Reduction Simplified Employee Pension-Individual Retirement Accounts Contribution Agreement

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning salary reduction simplified employee pension-individual retirement accounts contribution agreement.

DATES: Written comments should be received on or before April 19, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Salary Reduction Simplified Employee Pension-Individual Retirement Accounts Contribution Agreement.

OMB Number: 1545–1012.

Form Project Number: 5305A–SEP.

Abstract: Form 5305A–SEP is used by an employer to make an agreement to provide benefits to all employees under a Simplified Employee Pension (SEP) described in Internal Revenue Code section 408(k). This form is not to be filed with the IRS, but is to be retained in the employer's records as proof of establishing a SEP and justifying a deduction for contributions made to the SEP.

Current Actions: There is no change to the form or the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 100,000.

Estimated Time per Response: 9 hours, 43 minutes.

Estimated Total Annual Burden Hours: 972,000.

The following paragraph applies to all the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 2, 2021.

Chakinna B. Clemons,

Supervisory Tax Analyst.

[FR Doc. 2021–03140 Filed 2–16–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8582

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning information collection requirements related to Passive Activity Loss Limitations.

DATES: Written comments should be received on or before April 19, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms should be directed to Sara Covington, (737) 800–6149, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Passive Activity Loss Limitations.

OMB Number: 1545–1008.

Form Number: 8582.

Abstract: Internal Revenue Code section 469 limits the passive activity losses that a taxpayer may deduct. The passive activity losses from passive activities, to the extent that they exceed income from passive activities, cannot be deducted against nonpassive income. Form 8582 is used to figure the passive activity loss allowed and the actual loss to be reported on the tax returns.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, estates, and trusts.

Estimated Number of Respondents: 250,000.

Estimated Time per Respondent: 3 hours, 30 minutes.

Estimated Total Annual Burden Hours: 875,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 1, 2021.

Sara L. Covington,

IRS Tax Analyst.

[FR Doc. 2021–03132 Filed 2–16–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 6765

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 6765, Credit for Increasing Research Activities.

DATES: Written comments should be received on or before April 19, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sara Covington, (737) 800–6149, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Sara.l.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Credit for Increasing Research Activities.

OMB Number: 1545–0619.

Form Number: 6765.

Abstract: Internal Revenue Code section 38 allows a credit against income tax (Determined under IRC section 41) for an increase in research activities in a trade or business. Form 6765 is used by businesses and individuals engaged in a trade or business to figure and report the credit. The data is used to verify that the credit claimed is correct.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 15,805.

Estimated Time per Respondent: 18 hours, 2 minutes.

Estimated Total Annual Burden Hours: 285,281.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the

information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 1, 2021.

Sara L. Covington,

IRS Tax Analyst.

[FR Doc. 2021–03131 Filed 2–16–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0405]

Agency Information Collection Activity: REPS Annual Eligibility Report

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veteran's Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 19, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J Kessinger, Veterans Benefits Administration (20M33) Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0405'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0405'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 5101; 38 CFR 3.812.

Title: REPS Annual Eligibility Report (VA Form 21P–8941).

OMB Control Number: 2900–0405.

Type of Review: Extension of a currently approved collection.

Abstract: Restored Entitlement Program for Survivors (REPS) is a benefit payable to certain surviving spouses and dependent children of deceased Veterans who died in service prior to August 13, 1981 or died as a result of a service-connected disability incurred or aggravated prior to August 13, 1981. VA Form 21P–8941 is completed annually by claimants who have earned income that is at or near the limit for allowable earned income. Without the information provided on the form, determination of continued eligibility would not be possible.

Affected Public: Individuals and households.

Estimated Annual Burden: 300 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 1,200.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–03094 Filed 2–16–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0108]

Agency Information Collection Activity: Report of Income From Property of Business

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veteran's Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 19, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0108'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0108'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the

burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 5101, 1315, and 1506; 38 U.S.C. 1521, 1541, and 1542; 38 CFR 3.262 and 3.271.

Title: Report of Income from Property or Business (VA Form 21P–4185).

OMB Control Number: 2900–0108.

Type of Review: Extension of a currently approved collection.

Abstract: VBA administers an integrated program of of benefits and services established by law for Veterans, service personnel, and their dependents, survivors, and/or beneficiaries. A claimant's eligibility for pension benefits or Parents' Dependency and Indemnity Compensation (DIC) is determined, in part, by countable income. VA Form 21P–4185 *Report of Income from Property or Business,* is used to report income and expenses that derived from rental property and/or the operation of a business. VBA uses this form to determine whether the claimant is eligible for VA benefits and, if eligibility exists, the proper rate of payment.

Affected Public: Individuals and households.

Estimated Annual Burden: 3,500 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 7,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–03085 Filed 2–16–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0394]

Agency Information Collection Activity: Certification of School Attendance—REPS

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veteran's Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 19, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0394'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0394'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 5101; 38 CFR 3.812.

Title: Certification of School Attendance—REPS (VA Form 21P–8926).

OMB Control Number: 2900–0394.

Type of Review: Extension of a currently approved collection.

Abstract: Restored Entitlement Program for Survivors (REPS) is a benefit payable to certain surviving spouses and dependent children of deceased Veterans who died in service prior to August 13, 1981 or died as a result of a service-connected disability incurred or aggravated prior to August 13, 1981. VA Form 21P–8926 is used to verify beneficiaries receiving REPS benefits based on school-aged child status, are in fact enrolled full-time in an approved school and are otherwise eligible for continued benefits under REPS. Without the information provided on the form, determination of continued eligibility would not be possible.

Affected Public: Individuals and households.

Estimated Annual Burden: 300 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 1,200.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–03084 Filed 2–16–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0658]

Agency Information Collection Activity: Lender's Staff Appraisal Reviewer (SAR) Application

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this

notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–0658.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0658'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Lender's Staff Appraisal Reviewer (SAR) Application (VA Form 26–0785).

OMB Control Number: 2900–0658.

Type of Review: Extension of a currently approved collection.

Abstract: Title 38 U.S.C. 3702(d) authorizes the Department of Veterans Affairs (VA) to establish standards for lenders making automatically guaranteed loans and 38 U.S.C. 3731(f) authorizes VA to establish, in regulation, standards and procedures to authorize a lender to determine the reasonable value of property. VA has implemented this authority through its Lender Appraisal Processing Program (LAPP), codified in 38 CFR 36.4347.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 85 FR 80228 on December 11, 2020, pages 80228 and 80229.

Affected Public: Individuals (employees of lenders making applications).

Estimated Annual Burden: 200 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,400 per year.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–03095 Filed 2–16–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0132]

Agency Information Collection Activity: Application in Acquiring Specially Adapted Housing or Special Home Adaptation Grant

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 19, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov* Please refer to ''OMB Control No. 2900–0132'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0132 in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521. Title 38, U.S.C., chapter 21.

Title: Application in Acquiring Specially Adapted Housing or Special Home Adaptation Grant.

OMB Control Number: 2900–0132.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 26–4555 is used to gather the necessary information to determine Veteran eligibility for the SAH or SHA grant.

Affected Public: Individuals.

Estimated Annual Burden: 500 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 2,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–03099 Filed 2–16–21; 8:45 am]

BILLING CODE 8320–01–P

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At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List January 25, 2021

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